

2007 SENATE BILL 40

February 14, 2007 – Introduced by JOINT COMMITTEE ON FINANCE, by request of Governor James E. Doyle. Referred to Joint Committee on Finance.

1 **AN ACT relating to:** state finances and appropriations, constituting the
2 executive budget act of the 2007 legislature.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill is the “executive budget bill” under section 16.47 (1) of the statutes. It contains the governor’s recommendations for appropriations for the 2007–2009 fiscal biennium.

The bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, thereby setting the appropriation levels for the 2007–2009 fiscal biennium. The descriptions that follow relate to the most significant changes in the law that are proposed in the bill. In most cases, changes in the amounts of existing spending authority and changes in the amounts of bonding authority under existing bonding programs are not discussed.

For additional information concerning this bill, see the Department of Administration’s publication *Budget in Brief* and the executive budget books, the Legislative Fiscal Bureau’s summary document, and the Legislative Reference Bureau’s drafting files, which contain separate drafts on each policy item. In most cases, the policy item drafts contain a more detailed analysis than is printed with this bill.

GUIDE TO THE BILL

As is the case for all other bills, the sections of the budget bill that affect statutes are organized in ascending numerical order of the statutes affected.

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Treatments of prior session laws (styled “[year] Wisconsin Act ...”) are displayed next by year of original enactment and by act number.

The remaining sections of the budget bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four-digit section number indicate the type of provision:

- 91XX Nonstatutory provisions.**
- 92XX Fiscal changes.**
- 93XX Initial applicability.**
- 94XX Effective dates.**

The remaining two digits indicate the state agency to which the provision relates:

- XX01 Administration.**
- XX02 Aging and Long-Term Care Board.**
- XX03 Agriculture, Trade and Consumer Protection.**
- XX04 Arts Board.**
- XX05 Building Commission.**
- XX06 Child Abuse and Neglect Prevention Board.**
- XX07 Circuit Courts.**
- XX08 Commerce.**
- XX09 Corrections.**
- XX10 Court of Appeals.**
- XX11 District Attorneys.**
- XX12 Educational Communications Board.**
- XX13 Elections Board.**
- XX14 Employee Trust Funds.**
- XX15 Employment Relations Commission.**
- XX16 Ethics Board.**
- XX17 Financial Institutions.**
- XX18 Fox River Navigational System Authority.**
- XX19 Governor.**
- XX20 Health and Educational Facilities Authority.**
- XX21 Health and Family Services.**
- XX22 Higher Educational Aids Board.**
- XX23 Historical Society.**
- XX24 Housing and Economic Development Authority.**
- XX25 Insurance.**
- XX26 Investment Board.**
- XX27 Joint Committee on Finance.**
- XX28 Judicial Commission.**
- XX29 Justice.**
- XX30 Legislature.**
- XX31 Lieutenant Governor.**

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- XX32 Lower Wisconsin State Riverway Board.**
- XX33 Medical College of Wisconsin.**
- XX34 Military Affairs.**
- XX35 Natural Resources.**
- XX36 Public Defender Board.**
- XX37 Public Instruction.**
- XX38 Public Lands, Board of Commissioners of.**
- XX39 Public Service Commission.**
- XX40 Regulation and Licensing.**
- XX41 Revenue.**
- XX42 Secretary of State.**
- XX43 State Employment Relations, Office of**
- XX44 State Fair Park Board.**
- XX45 Supreme Court.**
- XX46 Technical College System.**
- XX47 Tourism.**
- XX48 Transportation.**
- XX49 Treasurer.**
- XX50 University of Wisconsin Hospitals and Clinics Authority.**
- XX51 University of Wisconsin Hospitals and Clinics Board.**
- XX52 University of Wisconsin System.**
- XX53 Veterans Affairs.**
- XX54 Workforce Development.**
- XX55 other.**

For example, for general nonstatutory provisions relating to the State Historical Society, see SECTION 9123. For any agency that is not assigned a two-digit identification number and that is attached to another agency, see the number of the latter agency. For any other agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number “55” (**other**) within each type of provision.

In order to facilitate amendment drafting and the enrolling process, separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading. Section numbers and headings for which there are no provisions will be deleted in enrolling and will not appear in the published act.

Following is a list of the most commonly used abbreviations appearing in the analysis.

- DATCP ... Department of Agriculture, Trade and Consumer Protection
- DETF Department of Employee Trust Funds
- DFI Department of Financial Institutions
- DHFS Department of Health and Family Services
- DMA Department of Military Affairs
- DNR Department of Natural Resources

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DOA	Department of Administration
DOC	Department of Corrections
DOJ	Department of Justice
DOR	Department of Revenue
DOT	Department of Transportation
DPI	Department of Public Instruction
DRL	Department of Regulation and Licensing
DVA	Department of Veterans Affairs
DWD	Department of Workforce Development
JCF	Joint Committee on Finance
OCI	Office of the Commissioner of Insurance
PSC	Public Service Commission
UW	University of Wisconsin
WHEDA . .	Wisconsin Housing and Economic Development Authority
WHEFA . . .	Wisconsin Health and Educational Facilities Authority

AGRICULTURE

Under current law, the land to which a claim for the farmland preservation credit relates must be subject either to a farmland preservation agreement or to an exclusive agricultural use zoning ordinance certified by the Land and Water Conservation Board (LWCB). A farmland preservation agreement commits the owner to keep the land in agricultural use for the duration of the agreement, although DATCP or LWCB may release land from an agreement under certain circumstances. When land is rezoned from exclusive agricultural use, or, under certain circumstances, released from a farmland preservation agreement, DATCP must file a lien against the land for the amount of the farmland preservation credit the owner received during the preceding ten years.

This bill eliminates the requirement that DATCP file a lien against land that is released from a farmland preservation agreement or that is rezoned from exclusive agricultural use. Under the bill, to have land released from a farmland preservation agreement the owner generally must pay \$100 per acre to the state, and to have land rezoned from exclusive agricultural zoning the owner must pay \$100 per acre to the local governmental unit that grants the rezoning.

Currently, DATCP awards grants for land and water resource management projects and construction of animal waste management systems. This bill increases the general obligation bonding authority for this program by \$7,000,000.

This bill authorizes DATCP to pay a portion a business's costs of improvements to prevent pollution from agricultural chemicals.

This bill increases the criminal penalties for violating laws regulating nurseries and laws related to plant pests. The bill also provides forfeitures (civil penalties) for violating these laws, ranging from a minimum of \$200 to a maximum, for a repeat offense, of \$10,000.

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This bill requires DATCP to fund, from the recycling fund, research and development of anaerobic digesters, which produce and collect methane from animal waste, at farms participating in the Wisconsin Agricultural Stewardship Initiative.

COMMERCE AND ECONOMIC DEVELOPMENT**ECONOMIC DEVELOPMENT**

This bill eliminates the authority of the Department of Commerce (Commerce) to award a grant or make a loan for technology development, customized labor training, major economic development, and technology and pollution control and abatement programs, as well as the programs for revolving loan fund capitalization, rapid response loans, employee ownership assistance, urban area early planning, and the Wisconsin Procurement Institute. The bill authorizes Commerce, at the request of the Development Finance Board, to make a grant or loan to a governing body or other eligible person for any of the following: capital financing; worker training; entrepreneurial development; assistance to technology-based businesses or businesses at a foreign trade show; promoting urban or regional economic development; establishing revolving loan funds; providing working capital; and promoting employee ownership.

The bill also requires Commerce to establish procedures and conditions for grants and loans, including a matching requirement of at least 25 percent.

Currently, WHEDA maintains a surplus fund consisting of assets that are not required to pay the cost of issuing bonds or notes, to make loans, or to honor agreements with bondholders and noteholders. This bill requires WHEDA to pay Commerce from the surplus fund \$2,000,000 in fiscal year 2007–08 and \$2,000,000 in fiscal year 2008–09 to fund housing cost grants and loans and grants to local housing organizations.

This bill authorizes Commerce to award a grant or loan from the recycling fund to a business to increase renewable fuel or energy production or technology. A grant recipient must provide at least 50 percent of the cost of a project funded by a grant. The bill also requires Commerce to make grants totaling up to \$5,000,000 to a person who plans to construct a cellulosic ethanol plant.

In addition, the bill allows moneys in the recycling fund to be used to administer the renewable fuel and energy grant and loan program and for current economic development programs funded by the Wisconsin development fund.

This bill authorizes Commerce to award a grant to a technology-based nonprofit organization to assist manufacturers in adopting process improvements that result in more goods of higher quality produced with less effort. Commerce may not award more than \$1,500,000 in such grants in a fiscal biennium.

Under current law, Commerce provides funding for the promotion of science-based and technology-based businesses through a nonstock, nonprofit high-technology business development corporation. Commerce also provides funding to Forward Wisconsin, Inc., a private corporation, for its economic development promotion activities.

This bill requires Commerce to organize and assist in maintaining the Wisconsin Venture Center (WVC), a nonprofit corporation, to raise capital to promote

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and support emerging industries in the state. WVC must be governed by a board of directors that includes the secretary of commerce or his or her designee, the secretary of financial institutions or his or her designee, and no more than 12 other members appointed by the governor.

This bill appropriates moneys to Commerce for advertising, marketing, and promotional activities for economic development of, and business recruitment to, this state.

COMMERCE, HOUSING, AND BUILDINGS AND SAFETY

This bill increases the initial and renewal license fees for securities agents and investment adviser representatives from \$30 to \$60.

Under current law, annually DOA must allocate \$1,100,000 of federal funds for expenses in administering a low-income energy assistance program. This bill deletes the specific amount and directs the secretary of administration to determine the amount to allocate for expenses.

Current law directs Commerce to contract with private organizations to educate builders of one- and two-family dwellings concerning construction standards, inspection requirements, and business practices. Commerce must also educate consumers regarding the process of building these dwellings. This bill eliminates the requirement that Commerce educate builders on building practices and eliminates the requirement that Commerce educate consumers. Commerce may contract to educate builders on construction standards and inspection requirements, but is not required to do so.

CORRECTIONAL SYSTEMS**ADULT CORRECTIONAL SYSTEM**

Beginning July 1, 2007, current law requires DOC to maintain global positioning system (GPS) tracking of sex offenders committed as sexually violent persons (SVPs) and certain sex offenders who have committed specified sex offenses against a child. Generally, DOC must monitor the sex offenders for the rest of their lives. DOC may petition a court to terminate the GPS tracking requirement if the individual is permanently physically incapacitated.

This bill delays the implementation of the requirements until January 1, 2008. The bill requires DOC only to record the sex offender's location rather than monitor the person, and applies the tracking requirement only while the sex offender is on supervised release, conditional release, extended supervision, parole, or lifetime supervision for the serious child sex offense. The bill eliminates the requirement to track SVPs discharged from DHFS custody and individuals who are found not guilty of a serious child sex offense by reason of mental disease or defect who are discharged from commitment, placed on probation for committing a serious child sex offense, and released from prison upon completing a sentence imposed for a serious child sex offense. The bill also allows DOC to petition a court to terminate the tracking requirement if DOC determines that the individual would not endanger the public if not tracked.

Currently, the Parole Commission in DOC determines whether, and under what conditions, inmates serving indeterminate sentences may be released from

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imprisonment to parole. A person who is serving a bifurcated sentence is not eligible for parole and generally must serve the entire confinement portion of his or her bifurcated sentence before being released to extended supervision. However, a person who is sentenced to a bifurcated sentence for a Class C to Class I felony may petition the sentencing court to adjust his or her sentence and release the person from prison to extended supervision if he or she has served 85 percent (for Class C to E felonies) or 75 percent (for Class F to I felonies) of the confinement portion of the sentence. A person who is released to extended supervision must serve his or her entire sentence before extended supervision terminates.

This bill renames the Parole Commission the Earned Release Review Commission. The bill authorizes the Earned Release Review Commission to release to extended supervision a prisoner who was sentenced to a bifurcated sentence for a Class F to I felony if the prisoner has served 75 percent of the confinement portion of the sentence and to terminate the extended supervision of a prisoner who was sentenced to a bifurcated sentence for a Class F to I felony if the prisoner has served 75 percent of the extended supervision portion of the sentence. A prisoner who is serving a bifurcated sentence for a Class C to a E felony must petition the sentencing court for sentence adjustment.

Current law requires DOC and DHFS to provide, at the Robert E. Ellsworth Correctional Center, a substance abuse treatment program for inmates who are eligible to earn early release to parole or extended supervision upon successful completion of the program. This bill allows DOC and DHFS to provide the program at any correctional facility the departments determine is appropriate.

Under current law, DOC may house a person released to extended supervision for up to 90 days in a regional detention facility or, with the approval of the sheriff, in a county jail. This bill allows DOC to house a person released to extended supervision for up to 90 days in any DOC facility, county jail, Huber facility, or work camp.

This bill requires DOC to provide funding for New Hope Project, Inc., a transitional employment program for criminal offenders.

JUVENILE CORRECTIONAL SYSTEM

Under current law relating to community youth and family aids, generally referred to as “youth aids,” DOC must allocate various state and federal moneys to counties to pay for state–provided juvenile correctional services and local delinquency–related and juvenile justice services. DOC charges counties for the costs of services provided by DOC according to per person daily cost assessments specified by law. This bill increases those assessments.

The bill also appropriates for youth aids moneys from the county aid fund, which consists of real estate transfer fees retained by the state, and requires DOC to allocate the moneys to counties based on each county’s proportion of the number of juveniles statewide who are placed in a juvenile correctional facility during the most recent three–year period for which that information is available.

Current law directs DOC to enter into contracts with organizations in Milwaukee County, Racine County, Kenosha County, and Brown County to provide

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services for the diversion of youths from gang activities into productive activities. This bill transfers administration of this program to the Office of Justice Assistance in DOA.

COURTS AND PROCEDURE**CIRCUIT COURTS**

Under current law, the Director of State Courts reimburses counties for certain costs incurred in administering the circuit courts. Each county is required to submit information about court costs annually by July 1. This bill requires counties to report their reimbursable court costs annually by May 15. The bill authorizes the director to audit the reports and to establish a uniform chart of accounts that each county would be required to use to record all of its financial transactions relating to court operations.

In some civil proceedings, such as those involving children in need of protective services, current law requires a circuit court to provide an interpreter for an indigent party or witness who has limited English proficiency. This bill requires the court, in all civil proceedings, to provide an interpreter for any party or witness who has limited English proficiency.

This bill authorizes the Director of State Courts to establish and collect fees for use of the circuit court automated information systems.

PUBLIC DEFENDER

Under current law, the State Public Defender (SPD) provides counsel to represent people in various legal proceedings, including criminal proceedings that may result in imprisonment, emergency detention or involuntary civil commitment proceedings, proceedings for the protective placement of an adult, paternity determinations, and juvenile delinquency proceedings. The SPD provides counsel to adults who are indigent and to children regardless of the child's income or assets.

This bill requires the SPD to provide legal representation to any person, regardless of whether the person is indigent, who seeks SPD representation and is the subject of an involuntary commitment proceeding for mental health or alcoholism treatment, a protective placement or services proceeding, or a proceeding concerning involuntary administration of psychotropic medication. The bill provides that the court may require such a person to reimburse the SPD for all or part of the costs of legal representation if the person is an adult who is able to make reimbursement.

The Supreme Court created Wisconsin Trust Account Foundation, Inc., to allocate moneys from attorney trust accounts to programs that provide civil legal services to persons who are indigent. This bill requires the Office of Justice Assistance to provide money to the Foundation, to be awarded as grants for assisting Wisconsin Works participants with medical claims, developing discharge plans for mentally ill inmates, coordinating insurance benefits for medical assistance recipients, providing ancillary services to juvenile offenders, obtaining child support, and acting as a guardian ad litem in cases with the Bureau of Milwaukee Child Welfare.

SENATE BILL 40**CRIMINAL LAW****CRIMINAL PROCEDURE**

Under current law, if a court has reason to doubt the competency of a criminal defendant, the court may require DHFS to examine the defendant to determine whether the person is competent to proceed to trial. If the examiner determines that the person is not competent, but may attain competency with treatment, the court must suspend the criminal proceedings and commit the defendant to the custody of DHFS for placement in an appropriate mental health institution for up to 12 months, or for the maximum sentence specified for the most serious offense with which the defendant is charged, whichever is less.

Under this bill, if DHFS determines that a defendant is incompetent, DHFS also determines whether he or she will be treated in a mental health institution or receive treatment in a jail or a locked unit of a facility.

Under current law, a person found not guilty of a crime by reason of mental disease or defect may receive supervision in the community under the conditional release program. If a participant in the conditional release program violates a condition of his or her release, or is otherwise deemed unsafe for community living, DHFS may require the person to be detained pending a petition by DHFS to revoke the person's conditional release. Current law requires DHFS to file the petition within 48 hours of the person's detention.

This bill extends the time for DHFS to file a petition for revocation of a person's conditional release from 48 to 72 hours, excluding Saturdays, Sundays, and legal holidays.

SENTENCING

The bill creates a Truth-In-Sentencing Phase II Council in DOA to submit a report containing sentencing guidelines to the legislature and the governor by January 1, 2008.

This bill eliminates the Sentencing Commission and creates a Bureau of Criminal Justice Research in the Office of Justice Assistance (OJA), which takes on some of the duties of the Sentencing Commission. Under the bill, the bureau also serves as a clearinghouse of justice system data and conducts justice system research and data analysis, currently performed by OJA. The bureau must prepare a statistical report detailing standard sentences for felonies and how the sentencing practices of each circuit court compare to its region and to the state.

Under current law, OJA awards grants to fund county programs that provide alternatives to prosecution and incarceration for criminal offenders who abuse alcohol or other drugs. This bill requires the county with the highest violent crime rate to apply for a grant and provides that, upon approval of the application, OJA must award the county a grant of \$250,000 for 2008 and \$500,000 for 2009.

The bill also requires the county that has the highest violent crime rate to submit a plan to OJA for conducting presentencing assessments of a target group of people who commit a Class F to I felony or a misdemeanor for the purpose of collecting information that courts may use at sentencing. Upon approval of the plan, OJA must

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award the county \$250,000 for 2008 and \$500,000 for 2009 to perform presentencing assessments of offenders.

Under current law, when a court imposes a sentence on a person who has committed a crime or places a person who has committed a crime on probation, the person must pay a crime victim and witness assistance surcharge of \$60 for each misdemeanor and \$85 for each felony. Most of the surcharge is allocated to county programs for crime victims and witnesses and to provide awards to crime victims. The rest of the surcharge is used to fund services for victims of sexual assaults.

Also under current law, if a person is charged with a crime for conduct that could also be prosecuted as a civil offense and the person agrees to pay a forfeiture as part of an agreement to have the prosecution deferred or suspended, the court must impose, in addition to the forfeiture, a crime victim and witness assistance surcharge of \$60 (if the person was originally charged with a misdemeanor) or \$85 (if the person was originally charged with a felony).

Under this bill, a court must impose the crime victim and witness assistance surcharge if: 1) a person is charged with one or more crimes in a complaint; 2) as a result of the complaint being amended, the person is charged with a civil offense in lieu of one of those crimes; and 3) the court finds that the person committed that civil offense. Under the bill, all money collected in such cases must be used to fund county programs for crime victims and witnesses and to provide awards to crime victims.

LAW ENFORCEMENT

Currently, OJA awards grants to cities to employ uniformed police officers whose primary duty is beat patrolling. This bill authorizes OJA to provide additional grants to first class cities to employ additional uniformed police officers whose duties may or may not include beat patrolling.

Under current law, OJA awards grants to law enforcement agencies for digital recording equipment for making audio or audio and visual recordings of custodial interrogations or for training personnel to use such equipment. This bill eliminates these grants.

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index. The limit does not apply to school districts in which the amount of per pupil revenue is less than \$8,400. This bill increases this amount to \$8,700 for the 2007–08 school year and to \$9,000 for any subsequent school year.

Currently, if a school district's enrollment is declining, its revenue limit is increased by the amount of additional revenue that would have been calculated had the decline in enrollment been 25 percent of what it was. This bill increases the district's revenue limit by the additional amount that would have been calculated had there been no decline in enrollment.

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The bill also provides that, if a school district's revenue limit, as calculated before any adjustments, is less than the district's base revenue from the previous school year, the district's initial revenue limit would be set at the prior year's base revenue.

This bill provides that, beginning in the 2008–09 school year, a school district may exceed its revenue limit in any school year by \$25,000 for up to 500 pupils enrolled in the district in grades 9 to 12 and by an additional \$25,000 for each additional 500 pupils enrolled in the district in grades 9 to 12. A school district must work in partnership with a local law enforcement agency to develop a school safety plan and must submit the plan to DPI. The excess revenue must be used to pay for certain specified safety expenses.

This bill provides that, beginning in the 2008–09 school year, a school district may exceed its revenue limit in any school year by the amount spent in that school year to provide teacher mentoring activities, required by DPI by rule, for initial educators. An initial educator is an individual who has successfully completed an approved professional education program and is licensed by the department for the first time in a particular level or category. A school district may exceed its revenue limit by up to \$2,160 per initial educator, less any grant money received by the school district for that initial educator.

Current law allows an eligible school board to enter into a five–year renewable student achievement guarantee (SAGE) contract with DPI to reduce class size to 15 pupils in grades kindergarten to three in schools with specified low–income enrollment. Eligible schools receive \$2,250 for each low–income pupil enrolled in grades eligible for SAGE funding. The most recent set of SAGE contracts expired at the end of the 2004–05 school year.

This bill authorizes a new installment of renewable, five–year SAGE contracts beginning in the 2008–09 school year. DPI must give priority in awarding new SAGE contracts to schools with the highest percentage of low–income pupils.

Currently, under the Milwaukee Parental Choice Program (MPCP), the state pays for certain pupils to attend private schools located in the city of Milwaukee. For each pupil attending a private school under the MPCP, the state pays the lesser of the private school's educational cost per pupil or the amount paid per pupil in the previous school year under the MPCP increased by the percentage change in general school aid over the previous school year. State aid to the Milwaukee Public Schools (MPS) is then reduced by an amount equal to 45 percent of the amount paid by the state for the MPCP.

This bill maintains the 45 percent reduction in state aid paid for up to 15,000 pupils attending private schools under the MPCP, but eliminates the reduction for all pupils above 15,000.

Under current law, to continue in the MPCP, a private school must submit an independent financial audit and evidence of sound fiscal practices to DPI by September 1 following a year in which the private school participated in the MPCP.

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This bill requires each private school participating in the MPCP to pay to DPI an annual, nonrefundable fee in an amount to be determined by DPI. DPI must use the fees to evaluate the financial audits and evidence of sound fiscal practices.

This bill authorizes DPI to pay up to \$5,000,000 in the 2007–08 school year and up to \$10,000,000 annually thereafter to the Milwaukee Board of School Directors to implement initiatives to improve pupil academic achievement in all grades. The board must submit a plan to DOA for its approval that describes the initiatives planned and the research showing that the initiatives have a positive effect on pupil academic achievement.

This bill directs MPS to reduce by \$150 the fee for each pupil who enrolls in a driver education program offered by the school district and who meets income eligibility standards for a free or reduced lunch plan. For each pupil who successfully completes the driver education program, DPI must reimburse MPS \$150 per eligible pupil or a prorated amount if the number of eligible pupils exceeds the amount of aid available. The aid is paid from the transportation fund.

This bill allows the city of Milwaukee to establish one residential charter school of no more than 300 pupils. If the city does so, the per pupil reimbursement rate for the state's payment to the school is twice the rate for other charter schools.

This bill changes the funding source for pupil transportation aid from the general fund to the transportation fund.

Beginning in the 2007–08 school year, this bill increases the annual reimbursement rate for school districts that transport pupils more than 12 miles to school from \$180 per pupil so transported to \$220 per pupil so transported.

Beginning in the 2008–09 fiscal year, this bill authorizes DPI to award grants to school boards to implement four–year–old kindergarten programs. A school board may receive an initial grant of up to \$3,000 for each pupil enrolled in a four–year–old kindergarten program in the school district and a second grant, in the succeeding school year, of up to \$1,500 for each such pupil.

Under current law, the state reimburses school boards and private schools 10 cents for each breakfast served under the School Breakfast Program. This bill raises the reimbursement rate to 15 cents.

Current statutes direct DPI to award precollege scholarships to minority pupils who enroll in college classes or programs designed to improve academic skills that are essential for success in postsecondary school education. In November 2004, DPI reached an agreement with the Office of Civil Rights in the U.S. Department of Education to award the scholarships to pupils who, regardless of race, are eligible for a free or reduced–price lunch under the federal School Lunch Program. This bill modifies the statutes to conform to this agreement.

Under current law, a school board may not grant a high school diploma to any pupil unless the pupil has earned, in grades 9 to 12, at least 4 credits of English, 3 credits of social studies, 2 credits of mathematics, 2 credits of science, and 1.5 credits of physical education. Beginning with pupils graduating in 2011, this bill requires an additional credit of mathematics and of science.

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This bill directs DPI to award grants to school districts to develop innovative instructional programs in science, technology, engineering, and mathematics; support pupils who are typically under-represented in these subjects; and increase the academic achievement of pupils in these subjects.

Current law directs DPI to award a grant to any person who is certified by the National Board for Professional Teaching Standards, licensed by DPI as a teacher or employed as a teacher in a private school, and employed as a teacher in this state.

This bill provides that a teacher who is licensed by DPI as a master educator is also eligible for the grant. The bill also doubles the amount of the grant if the recipient is employed in a school in which at least 60 percent of the pupils are eligible for a free or reduced-price lunch under the federal school lunch program.

This bill creates a grant program to encourage world languages instruction in elementary grades. Under the bill, a school board may apply to DPI for a six-year grant to pay for a portion of the compensation packages of up to two teachers and to phase in world languages instruction in grades one to six. The bill directs DPI to establish criteria for receiving a grant and requires teachers from participating schools to attend professional development workshops to be offered by the department twice each year.

This bill authorizes a school board to construct or acquire a wind electricity generation facility and to use or sell the energy generated by the facility.

HIGHER EDUCATION

Generally, current law allows a UW System student who has been a bona fide Wisconsin resident for the 12 months preceding the beginning of a semester or session for which the student registers to pay resident, as opposed to nonresident, tuition.

This bill allows an alien who is not a legal permanent resident of the United States to pay resident, as opposed to nonresident, tuition if: 1) he or she graduated from a Wisconsin high school or received a high school graduation equivalency from Wisconsin; 2) was continuously present in Wisconsin for at least one year following the first day of attending a Wisconsin high school; and 3) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

The bill also provides that such persons are to be considered residents of this state for purposes of admission to and payment of fees at a technical college.

Currently, under certain circumstances, the UW System and each technical college must provide a full remission of fees for 128 credits or eight semesters, whichever is longer, to an eligible veteran or to the spouse, unremarried surviving spouse, or child of an eligible veteran. An eligible veteran is one who died on active duty, died as the result of a service-connected disability, died in the line of duty while on duty for training purposes, or has been awarded at least a 30 percent service-connected disability rating.

Currently, to be eligible for the fee remission, the child of the eligible veteran must be at least 18 but not yet 26 years old and a full-time student. This bill reduces

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the minimum age to 17 and eliminates the full-time requirement. The bill also requires the Higher Educational Aids Board (HEAB) to reimburse the UW and each technical college for fees remitted for eligible veterans and their spouses, unremarried surviving spouses, and children.

This bill prohibits the Board of Regents of the UW System (board) from making expenditures for supplemental salary increases for faculty whose services are in high demand by other higher educational institutions unless the board has submitted a plan for the expenditure to the secretary of administration, and the secretary has approved the expenditure. The prohibition applies only if the board expends an amount in a fiscal year that exceeds the amount expended in the prior fiscal year. The secretary's approval is required only for the amount that exceeds the prior fiscal year's amount.

Under current law, the board must require undergraduate applicants, with certain exceptions, to pay a \$35 application fee, and graduate, law, and medical school applicants to pay a \$45 application fee. This bill increases the undergraduate application fee to \$50 and the graduate, law, and medical school application fee to \$60.

This bill provides general purpose revenues to the board to support the Biomedical Technology Alliance in southeastern Wisconsin.

This bill requires the board to allocate \$200,000 of its general program operations funding in the 2008–09 fiscal year to establish the UW–Milwaukee School of Public Health, but only if the board approves the school.

This bill changes the funding source for several technical college system appropriations from the general fund to the transportation fund.

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, HEAB awards various grants to resident students for higher education. This bill establishes a Wisconsin Covenant Scholars Program under which, beginning in the 2011–12 academic year, HEAB must award grants based on financial need to undergraduates enrolled at least half time at nonprofit public or private institutions of higher education or at tribally controlled colleges in this state. A student is eligible for a grant under the program for up to the equivalent of ten semesters, so long as the student meets acceptable academic standards.

The bill also requires DOA to conduct certain activities to promote attendance at nonprofit postsecondary educational institutions in this state. Those activities include contracting with The Wisconsin Covenant Foundation, Inc., to establish and implement a campaign to promote attendance at nonprofit postsecondary educational institutions in this state and distributing not more than \$250,000 in each fiscal year as grants to school districts for reimbursement of teachers and administrators for costs incurred in participating in training relating to character education.

Under current law, HEAB awards Wisconsin higher education grants (WHEG grants) to undergraduates enrolled at least half time at nonprofit public institutions of higher education or tribally controlled colleges in this state. Currently, a WHEG grant may not exceed \$3,000 for an academic year. This bill sets that maximum grant

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amount during any academic year at 50 percent of the resident undergraduate academic fees charged to attend the University of Wisconsin–Madison for the previous academic year.

Under current law, DOA receives aid from a federal program that supports universal access to telecommunications services, commonly referred to as the E–Rate Program, that DOA uses to provide educational telecommunications access to educational agencies that are eligible for a rate discount under the E–Rate Program, specifically, public or private elementary and secondary schools and public libraries. This bill permits DOA to use moneys received under the E–Rate Program to make payments to telecommunications providers that provide educational telecommunications access to those educational agencies.

This bill appropriates to the Medical College of Wisconsin, Inc., general purpose revenues for translational research, which is the transfer of knowledge gained from basic research to new and improved methods of preventing, diagnosing, or treating disease, as well as the transfer of clinical insights into hypotheses that can be tested and validated in the basic research laboratory.

Under current law, historical organizations in this state may be incorporated as affiliates of the State Historical Society of Wisconsin if their purposes and programs are similar to and consonant with those of the Historical Society. This bill directs the Historical Society to distribute a grant annually to the Wisconsin Black Historical Society and Museum to fund the operations of that society and museum.

EMPLOYMENT

Under current law, faculty and academic staff of the UW System do not have collective bargaining rights under the State Employment Labor Relations Act (SELRA). This bill provides faculty and academic staff of the UW System collective bargaining rights under state law in a manner similar to that provided other state employees under SELRA, including the right to collectively bargain over wages, hours, and conditions of employment.

Unfair labor practices for UW System academic staff and faculty collective bargaining are generally the same as those under SELRA, except that the bill specifically provides that it is not an unfair labor practice for the Board of Regents of the UW System to implement changes in salaries or conditions of employment for members of the faculty or academic staff at one UW institution and not for such persons at other UW institutions if certain conditions are met. Under the bill, the subjects of collective bargaining are the same as under SELRA, except that collective bargaining is prohibited on the mission and goals of the Board of Regents; the diminution of the right of tenure provided faculty; the rights granted faculty and academic staff under current law; and academic freedom. Finally, under the bill, collective bargaining agreements covering UW faculty and academic staff must be approved by the Joint Committee on Employment Relations and adopted by the legislature.

Under current law, in local government employment other than law enforcement and fire fighting employment, if a dispute relating to the terms of a proposed collective bargaining agreement has not been settled after a reasonable

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period of negotiation and after mediation by the Wisconsin Employment Relations Commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and conditions of employment. An arbitrator or arbitration panel must adopt the final offer of one of the parties on all disputed issues, which is then incorporated into the collective bargaining agreement.

This process does not apply, however, to a dispute over economic issues involving a collective bargaining unit consisting of school district professional employees if WERC determines that the employer has submitted a qualified economic offer (QEO). A QEO consists of a proposal to maintain the percentage contribution by the employer to the employees' existing fringe benefit costs and the employees' existing fringe benefits and to provide for an annual average salary increase having a cost to the employer at least equal to 2.1 percent of the existing total compensation and fringe benefit costs for the employees in the collective bargaining unit plus any fringe benefit savings. Fringe benefit savings is that amount, if any, by which 1.7 percent of the total compensation and fringe benefit costs for all municipal employees in a collective bargaining unit for any 12-month period covered by a proposed collective bargaining agreement exceeds the increased cost required to maintain the percentage contribution by the municipal employer to the municipal employees' existing fringe benefit costs and to maintain all fringe benefits provided to the municipal employees.

This bill eliminates the QEO exception from the compulsory, final, and binding arbitration process.

This bill requires DWD to use moneys received by DHFS from licensing, review, and certifying activities to implement and operate youth summer jobs programs in the city of Milwaukee and to award grants to the Boys and Girls Clubs of Greater Milwaukee to fund programs that improve the social, academic, and employment skills of youths who reside in the city of Milwaukee.

This bill changes the funding source for the Employment Transit Assistance Program, which funds projects to improve access to jobs in areas that are not served by an adequate mass transit system, from the general fund to the transportation fund.

ENVIRONMENT**WATER QUALITY**

Under the Clean Water Fund Program, the state makes loans at subsidized interest rates for projects to control water pollution, including sewage treatment plants. This bill changes the interest rate for projects that are necessary to prevent a municipality from violating a pollution limit in its wastewater discharge permit from 55 percent of the market interest rate to 70 percent of the market interest rate.

This bill sets the present value of the Clean Water Fund Program subsidies that may be provided during the 2007–09 biennium at \$99,100,000. The bill also increases the general obligation bonding authority for the Clean Water Fund Program by \$49,500,000 and increases the revenue bonding authority for the Clean Water Fund program by \$368,145,000.

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Under the Safe Drinking Water Loan Program, the state makes loans at subsidized interest rates to local governmental units for projects to construct or modify public water systems. This bill sets the present value of the Safe Drinking Water Loan Program subsidies that may be provided during the 2007–09 biennium at \$16,700,000. The bill also increases the general obligation bonding authority for the Safe Drinking Water Loan Program by \$6,090,000.

Current federal law authorizes the Environmental Protection Agency (EPA) to carry out projects to clean up contaminated sediment in the Great Lakes and tributaries of the Great Lakes. The federal law requires a portion of the funding for a project to be provided from a source other than the federal government. This bill authorizes DNR to pay a portion of the costs of a project to remove contaminated sediment from Lake Michigan or Lake Superior or a tributary of Lake Michigan or Lake Superior if EPA provides federal funds for the project, and the bill provides \$17,000,000 in bonding authority for this purpose.

Under current law, DNR provides funding for the management of urban storm water runoff and for flood control and riparian restoration projects. This bill increases the general obligation bonding authority for these projects by \$6,000,000.

Under current law, DNR provides funding for measures to reduce water pollution from nonpoint (diffuse) sources. This bill increases the general obligation bonding authority for nonpoint source measures by \$12,000,000.

Under current law, under the targeted runoff management grant process, local governmental units annually apply for funding from DNR for new nonpoint source projects. DNR annually ranks the eligible applications based on specified criteria and selects projects to receive funding. Local governmental units provide cost-sharing grants to land owners to implement the projects.

This bill authorizes DNR to provide funding, outside of the targeted runoff management grant process, for animal waste management. DNR may provide funding to a local governmental unit for a project at an animal feeding operation that is discharging pollution to the waters of this state if DNR determines that such funding outside of that process is necessary to protect fish and aquatic life.

ENVIRONMENTAL CLEANUP

Under the Land Recycling Loan Program, the state makes interest-free loans to political subdivisions for projects to remedy contamination that has affected, or threatens to affect, groundwater or surface water. This bill sets the present value of the Land Recycling Loan Program subsidies that may be provided during the 2007–09 biennium at \$3,400,000.

Under current law, the Department of Commerce (Commerce) administers a program (known as PECFA) to reimburse owners of certain petroleum product storage tanks for some of the costs they incur in cleaning up discharges from those tanks. This bill authorizes Commerce to contract with consultants and contractors to clean up a discharge from a storage tank and to pay the consultants and contractors directly.

This bill also authorizes Commerce to contract with a person to empty, remove, and dispose of an underground petroleum product storage tank that has not been

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properly closed if Commerce is unable to identify the owner of the tank or Commerce determines that the owner is unwilling or unable to pay.

Current law authorizes DNR to conduct or fund activities to investigate and remedy environmental contamination in some situations. This bill increases the authorized general obligation bonding authority to finance those activities by \$3,000,000.

OTHER ENVIRONMENT

This bill creates an Office of Public Intervenor attached to DOJ. The bill requires the attorney general to appoint an assistant attorney general to serve as the public intervenor. The bill authorizes the public intervenor to commence or intervene in court proceedings whenever necessary to protect the public rights in water and other natural resources; act as an interested party in actions in which he or she intervenes, and present evidence, cross-examine witnesses, and file briefs; and appeal administrative rulings to the courts.

Current law imposes a recycling fee of \$3 per ton on solid waste, other than certain kinds of high-volume industrial waste, disposed of at a landfill or other waste disposal facility. The recycling fee is deposited into the recycling fund. This bill increases the recycling fee to \$6 per ton.

Current law imposes an environmental repair fee on solid and hazardous waste disposed of at a landfill or other waste disposal facility. The environmental repair fee is 50 cents per ton, except that the fee is lower for mining waste and certain kinds of high-volume industrial waste. The environmental repair fee is deposited into the environmental fund. This bill increases the environmental repair fee to \$1.60 per ton.

This bill transfers \$13,000,000 in fiscal year 2007–08 and \$20,000,000 in fiscal year 2008–09 from the recycling fund to the general fund. The bill also transfers \$4,000,000 in fiscal year 2007–08 from the petroleum inspection fund to the general fund.

This bill changes the funding source for DNR's administration of the Motor Vehicle Emission Inspection and Maintenance Program from the general fund to the transportation fund.

HEALTH AND HUMAN SERVICES**MEDICAL ASSISTANCE**

Under current law, DHFS administers the Medical Assistance (MA) program and the BadgerCare health care program, which provide health care benefits for eligible individuals (generally, pregnant women, certain children, and elderly or disabled individuals, all of whom must meet specific low-income requirements). Families, children who do not reside with their parents, and unborn children whose mothers are not eligible for MA or BadgerCare may be eligible for BadgerCare if their incomes do not exceed 185 percent of the federal poverty line and they meet certain nonfinancial criteria, such as not having access to employer-subsidized health care coverage.

Under this bill, DHFS must request a waiver from, and submit amendments to the state MA plan to, the secretary of the federal Department of Health and

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Human Services to allow DHFS to implement an MA health care program called BadgerCare Plus (BC+). BC+ would be financed as are other MA programs, partly with federal funds and partly with state funds. BC+ would replace all of BadgerCare and part of MA. Thus, individuals who satisfy eligibility criteria under both BC+ and BadgerCare would receive benefits under BC+, and individuals who satisfy eligibility criteria under both BC+ and MA would receive benefits under either BC+ or MA, depending on the basis for their eligibility for MA.

BC+ would provide health care benefits to recipients under two different plans, depending on the basis for the recipient's eligibility. The first plan provides the same benefits that are provided under regular MA. Individuals eligible for BC+ benefits under the regular MA plan include: a pregnant woman whose family income does not exceed 200 percent of the poverty level; a child under one year of age whose mother, on the day on which the child was born, was eligible for and receiving benefits under MA or BC+ under the regular MA plan; any child whose family income does not exceed 200 percent of the poverty level; an individual whose family income does not exceed 200 percent of the poverty level and who is the parent or caretaker relative of a child who is, generally, living in the home of the parent or caretaker relative; certain migrant workers and their dependents; and an individual between 19 and 21 years of age who was in foster care on his or her 18th birthday.

The second plan, called the Benchmark Plan, provides specified benefits, such as coverage for prescription drugs; physicians' services; inpatient and outpatient hospital services; home health services; physical, occupational, speech, and pulmonary therapy; treatment for nervous and mental disorders and alcoholism and other drug abuse problems; durable medical equipment; and transportation to obtain emergency medical care. Individuals eligible for BC+ benefits under the Benchmark Plan include: a pregnant woman whose family income exceeds 200 percent, but does not exceed 300 percent, of the poverty level; a child under one year of age whose mother, on the day on which the child was born, was eligible for and receiving BC+ benefits under the Benchmark Plan; any child whose family income exceeds 200 percent, but does not exceed 300 percent, of the poverty level; and an individual whose family income exceeds 200 percent, but does not exceed 300 percent, of the poverty level and who is the parent or caretaker relative of a child who is, generally, living in the home of the parent or caretaker relative. In addition, any child whose family income exceeds 300 percent of the poverty level may purchase coverage under the Benchmark Plan at the full per member per month cost of the coverage.

For coverage under both the regular MA plan and the Benchmark Plan, a child is defined to include an unborn child whose mother is not eligible for MA or BC+ but satisfies all other eligibility criteria except that she is not a U.S. citizen or qualifying alien or is an inmate of a public institution. If the mother's family income does not exceed 200 percent of the poverty level, the unborn child is eligible for prenatal care under the regular MA plan; if the mother's family income exceeds 200 percent, but does not exceed 300 percent, of the poverty level, the unborn child is eligible for prenatal care under the Benchmark Plan.

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As a condition of eligibility for BC+, an individual who is eligible for enrollment in a group health plan must apply for enrollment in that plan if DHFS determines that it is cost-effective. With exceptions for pregnant women, individuals in foster care on their 18th birthday, and certain children, no individual whose family income exceeds 150 percent of the poverty level is eligible for BC+ if the individual has health care coverage under the state employee health plan or coverage that is provided by an employer and for which the employer pays at least 80 percent of the premium. Regardless of family income, however, an unborn child is not eligible for BC+ if the unborn child or its mother has any type of health insurance coverage. If an individual whose family income exceeds 150 percent of the poverty level or an unborn child or its mother had access, in the 12 months before applying for BC+, to health care coverage under the state employee health plan or coverage that is provided by an employer and for which the employer pays at least 80 percent of the premium, the individual or unborn child is not eligible for BC+ unless there is a good cause reason that the individual or unborn child or its mother did not enroll in the coverage. A pregnant woman whose family income exceeds 200 percent of the poverty level and who has health insurance coverage must maintain that coverage as a condition of eligibility for BC+. If an individual whose family income exceeds 150 percent of the poverty level had coverage under the state employee health plan or employer-provided coverage but no longer has the coverage, if an unborn child or its mother had health insurance coverage but no longer has the coverage, or if a pregnant woman whose family income exceeds 200 percent of the poverty level did not maintain the coverage that she had, the individual, unborn child, or pregnant woman is not eligible for BC+ for three calendar months following the month in which the coverage ended unless there was a good cause reason for the termination of the coverage.

With certain exceptions, for an individual whose family income exceeds 150 percent of the poverty level, DHFS must verify directly with the employer, if any, whether the individual has or had insurance coverage or access. An employer must supply the information upon request within a certain time or pay a penalty equal to the full per member per month cost of coverage under BC+ for each month the individual is covered under BC+ until the employer provides the information. Penalties are limited to no more than \$1,000 in any six-month period for an employer with fewer than 250 employees, and to no more than \$15,000 in any six-month period for other employers.

Generally, the same copayment requirements that apply under MA apply to BC+ recipients with benefits under the regular MA plan. BC+ recipients with benefits under the Benchmark Plan are subject to the copayment and coinsurance requirements specified in the bill for that plan. A BC+ recipient who is an adult, who is not a pregnant woman, and whose family income is at least 150 percent of the poverty level must pay a premium for BC+ coverage that may not exceed 5 percent of the recipient's family income. A BC+ recipient who is a child whose family income is at least 200 percent of the poverty level must pay a premium for BC+ coverage that may not exceed the full per member per month cost of coverage for a child with a family income equal to 300 percent of the poverty level. A BC+ recipient who is an

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unborn child or a pregnant woman whose family income exceeds 200 percent of the poverty level must pay a premium that may not exceed the full per member per month cost of coverage for an adult with a family income equal to 300 percent of the poverty level. If a recipient who is required to pay a premium does not pay it when due, the recipient's coverage terminates and the recipient may not be eligible for BC+ again for six months.

This bill creates the health care quality fund, consisting of moneys obtained from an increase in cigarette and other tobacco products taxes, from assessments on hospitals, and from certain other sources. The health care quality fund is used as another source of funding for MA and for BadgerCare.

Currently, MA provides federal and state moneys to pay for health care and long-term care services, including care in a nursing home, for persons who are low-income, elderly, or disabled and who meet other specific eligibility requirements. To be eligible for MA for long-term care services, an individual must meet certain very low income and resource requirements, and may have to reduce his or her income and resources by paying for his or her own long-term care until the eligibility requirements are met.

Currently, if a person transfers his or her assets for less than fair market value for the purpose of reducing his or her income and resources to become eligible for MA for long-term care services (divestment) on or after the person's look-back date (generally, three years before the person applies for MA for long-term care services), the person may be ineligible for MA for a specified time (penalty period). This bill does all of the following with respect to divestment:

1. Changes the look-back date to five years for transfers that occur on or after February 8, 2006.
2. Changes the beginning date for the penalty period from the date on which assets were transferred to the later of the date on which assets were transferred or the date on which the person applies and is eligible for MA for long-term care services.
3. Provides that the purchase of a loan, promissory note, mortgage, or life estate after February 8, 2006, is a divestment and specifies the requirements for when such a purchase is not to be considered a divestment.
4. Provides that as a condition of receiving MA for long-term care services an applicant or recipient must disclose any interest he or she or his or her spouse has in an annuity that was purchased on or after February 8, 2006, or with respect to which a transaction occurred on or after February 8, 2006.
5. Specifies the conditions under which the purchase of an annuity on or after February 8, 2006, is not considered a divestment, including designating DHFS as a remainder beneficiary under the annuity in the first position.
6. Requires DHFS to establish a process, to determine if the divestment rules would result in undue hardship for a person and should not apply.
7. Provides, generally, that a person is ineligible for MA for long-term care services if the equity in the person's home exceeds \$750,000, unless his or her spouse or minor or disabled child is living in the home. Under current law, a person's home,

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regardless of its value, is not counted when the person's income and resources for MA eligibility are determined.

This bill requires DHFS to request a waiver from the secretary of the federal Department of Health and Human Services to conduct a demonstration project under which DHFS would provide health care coverage of primary and preventive care for adults under the age of 65 who have family incomes not exceeding 200 percent of the poverty level; who are not otherwise eligible for MA, BadgerCare, or Medicare; and who did not have coverage under the Health Insurance Risk-Sharing Plan within six months before applying.

Under current law, DHFS provides block grant moneys to Milwaukee County for providing health care services to persons who meet certain criteria for dependency. Under this bill, the amount that DHFS would otherwise provide in such block grant moneys would be offset by amounts paid for individuals in Milwaukee County under the demonstration project to provide health care coverage for eligible adults.

Currently, DHFS may obtain from insurers information DHFS needs to identify an MA recipient who is eligible for benefits under a disability insurance policy or, if enrolled as the dependent of a beneficiary, would be eligible for benefits; claims submittal information; and types of benefits provided under the policy. DHFS must enter into an agreement with the insurer that identifies the information to be disclosed, safeguards confidentiality, and specifies how the insurer's reasonable costs for this work will be determined and paid by the state. Insurers must provide the information within specified deadlines, and the commissioner of insurance may initiate enforcement proceedings for noncompliance.

Under this bill, DHFS may receive health care services coverage information from, in addition to insurers, self-insured plans, service benefits plans, and pharmacy benefits managers (third parties). DHFS may also gather information about BadgerCare recipients who are eligible or who would be eligible as dependents for health care coverage from a third party. DHFS must pay compensation for providing the information. DHFS may notify the attorney general of third parties, other than insurers, that fail to provide information requested.

Under the bill, third parties must accept assignment to DHFS of an individual's right to receive payment from the third party for a health care item or service paid for under MA, BadgerCare, or a program administered under MA under a federal waiver. Third parties must also accept DHFS's right to recover third-party payments for which assignment had not been accepted. A third party must respond to an inquiry by DHFS concerning a claim for payment of a health care item or service if the inquiry is made within 36 months after the item or service is provided. Further, third parties must agree not to deny a DHFS claim on the basis of certain circumstances, if submitted less than 36 months after the health care item or service is provided and if action by DHFS to enforce its rights is commenced less than 72 months after DHFS submits the claim.

Under current law, nursing home reimbursements for care provided to MA recipients are determined under a system that considers, among other things, direct care costs, as adjusted by DHFS for regional labor cost variations. For this purpose,

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DHFS treats the counties of Dane, Iowa, Columbia, and Sauk as a single labor region. This bill adds Rock County to this labor region.

Currently, under the MA waiver community integration program for persons relocated from, or meeting requirements of, MA reimbursements to nursing homes (commonly known as CIP II), DHFS provides enhanced MA reimbursement for up to 150 persons who are diverted from imminent entry into nursing homes. Enhanced reimbursement for more than 150 persons must be approved by JCF. This bill requires the approval from the secretary of administration instead of from JCF.

Under current law, some individuals who are eligible for MA are also eligible for Medicare Part D, which is the portion of the federal health insurance program that provides prescription drug coverage for individuals who are, generally, 65 years of age or older or disabled. Enrollment in Medicare Part D is voluntary. Not all Part D plans in which individuals may enroll cover all of the prescription drugs that may be covered under Medicare Part D.

Under this bill, if an individual is eligible for both MA and Medicare Part D, MA will not pay for any prescription drug for which there may be coverage under Medicare Part D, whether or not the individual is enrolled in Medicare Part D and, if he or she is enrolled, whether or not the individual's Part D plan covers the drug.

Currently, some individuals who are eligible for MA are also eligible for Medicare, a federal health insurance program for individuals who are, generally, 65 years of age or older or disabled. Medicare Part A covers hospital and related services, and coverage is automatic. Medicare Part B covers outpatient, nursing, and physician services and various other health care services, such as diagnostic tests. Enrollment in Medicare Part B is voluntary, and an enrollee must pay a premium. Current law does not require an individual who is eligible for both MA and Medicare to enroll in Medicare Part B, and DHFS reimburses providers under MA for services that would be covered under Medicare Part B if the individual were enrolled in Medicare Part B.

This bill provides that DHFS may require an individual who is eligible for Medicare and for MA services under a number of eligibility categories to enroll in Medicare Part B as a condition of receiving those MA services. If DHFS requires an individual to enroll in Medicare Part B, DHFS must pay the monthly premiums for the coverage. Because MA does not pay for benefits to which an individual is entitled under another benefit program, MA would no longer pay for any benefits that are covered under Medicare Part B after the individual enrolls in Medicare Part B.

Currently, one category of MA recipients is termed "categorically needy"; these persons have incomes and resources at the eligible levels and can be determined to be retroactively eligible for MA for a certain period of months. Another category of recipients is termed "medically needy"; these persons have resources at eligible levels and incur medical expenses that, if paid, bring their incomes to eligible levels. Currently, if an MA applicant is found to be retroactively eligible as a "categorically needy" recipient and a provider has billed the recipient directly for services provided during the retroactive period, the provider, upon notice that the applicant is retroactively eligible, must submit claims for MA payment to DHFS. When paid by DHFS, the provider must reimburse the MA recipient for payment the recipient or

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another person made to the provider for services provided to the recipient during the retroactively eligible period. Regardless of the amount the provider has charged the MA recipient, the provider may not be required to reimburse the recipient more than the amount that the provider is paid for the services by MA.

This bill eliminates the prohibition on requiring a health care provider to reimburse for services paid for by a “categorically needy” MA recipient in an amount that is greater than the provider is paid for the services under the MA program. Instead, the bill requires that the health care provider reimburse the MA recipient or another person in the amount that the recipient or other person has paid the provider for the recipient’s care and extends this repayment requirement to “medically needy” MA recipients.

Currently, in addition to providing family planning as a benefit to MA recipients, DHFS administers, under a waiver of federal Medicaid laws, a demonstration project to provide family planning services to women between the ages of 15 and 44 with family incomes of not more than 185 percent of the federal poverty level.

This bill requires DHFS to request an amended federal waiver for the demonstration project to provide family planning under MA to men between the ages of 15 and 44 and to increase the financial eligibility limitation under the demonstration project to 200 percent of the federal poverty level.

CHILDREN

Under current law, DHFS provides or oversees county provision of, various services to children and families. These services include services for children in need of protection or services and their families; adoption services; licensing of child welfare agencies, foster homes, group homes, day care centers, and shelter care facilities; investigating cases of suspected child abuse or neglect; providing a state supplemental food program for women, infants, and children; and distributing funding for children’s community programs, child abuse and neglect prevention programs, food distribution programs, domestic abuse services, tribal adolescent services, community action programs to assist poor persons, and a brighter futures initiative to prevent delinquent behavior, alcohol and other drug abuse, child abuse and neglect, and nonmarital pregnancy.

This bill creates the Department of Children and Families (DCF), effective July 1, 2008, and transfers from DHFS to DCF the duty to provide or oversee the provision of these services. The bill also renames DHFS the Department of Health Services.

Under current law, DWD administers the Wisconsin Works (W-2) program, which provides work experience and benefits for low-income custodial parents, job search assistance, and child care subsidies. DWD also administers the program for establishing and enforcing child and spousal support and establishing paternity and medical support liability. This bill transfers from DWD to DCF the responsibility for administering these programs.

Under current law, DHFS administers the Child Abuse and Neglect Prevention Program, under which DHFS awards grants to counties and Indian tribes that offer voluntary home visitation services to first-time parents who are eligible for MA. Current law requires DHFS to determine the amount of a grant awarded to a county

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or an Indian tribe in excess of the statutory minimum grant amount of \$10,000 based on the number of births that are funded by MA in that county or the reservation of that Indian tribe in proportion to the number of those births in all of the counties and the reservations of all of the Indian tribes to which grants are awarded. Currently, no more than six rural counties, three urban counties, and two Indian tribes may be selected to participate in the program.

This bill requires DCF, beginning January 1, 2009, to determine the amount of a grant in excess of the statutory minimum based on the number of births that are funded by MA in a county or a reservation of an Indian tribe without regard to the number of those births in other counties and reservations. The bill also eliminates the caps on the number of counties and Indian tribes that may be selected to participate in the program.

The bill directs DCF to award grants to applying counties, local health departments, Indian tribes, private nonprofit agencies, and local partnerships (organizations) to provide voluntary one-time home visits to all first-time parents in the community served by the organization. The purposes of the home visits are to provide those parents with basic information regarding infant health and nutrition, the care, safety, and development of infants, emergency services for infants, and shaken baby syndrome and impacted babies; to identify the needs of the parents; and to provide the parents with referrals to programs, services, and other resources that may meet those needs.

Recently, the U.S. Congress enacted the Adam Walsh Child Protection and Safety Act of 2006, which requires the states to conduct criminal records checks, including fingerprint-based checks of national crime information databases, of prospective foster or adoptive parents and to check any child abuse or neglect registry maintained by any other state in which a prospective foster or adoptive parent or any other adult living in the home of that prospective parent (adult resident) has resided in the preceding five years before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance or adoption assistance payments will be provided on behalf of the child.

This bill conforms state law relating to background checks of prospective foster parents, adoptive parents, and adult residents to federal law, as affected by the Adam Walsh Act.

Under current law, if a court assigned to exercise jurisdiction under the Children's Code (juvenile court) issues an order placing, or maintaining the placement of, a child outside the home, the order must include findings that continued placement of the child in the home would be contrary to the welfare of the child, that reasonable efforts have been made to prevent the removal of the child from the home, and that reasonable efforts have been made to achieve the goal of the child's permanency plan, which is a plan designed to ensure that the child is reunified with his or her family whenever appropriate or that the child quickly attains a placement providing long-term stability. This bill requires the juvenile court to make the finding that reasonable efforts have been made to achieve the goal of the child's permanency plan in a termination of parental rights order.

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Under current law, in an action affecting the family (for example, a divorce proceeding), if the circuit court finds that neither parent is able to care for the child adequately or is fit and proper to have care and custody of the child, the circuit court may declare the child to be in need of protection or services and transfer legal custody of the child to the county or to a licensed child welfare agency. This bill requires a circuit court that so transfers legal custody of a child to refer the matter to the juvenile court intake worker, who must conduct an intake inquiry to determine whether a petition alleging the child to be in need of protection or services should be filed with the juvenile court, and to include in the order transferring legal custody of the child a finding that placement of the child in his or her home would be contrary to the welfare of the child and, subject to certain exceptions, a finding that reasonable efforts have been made to prevent the removal of the child from the home.

The bill also requires a juvenile court, when ordering a child to be placed outside the home under the supervision of a county or, in Milwaukee County, DHFS, to order the child into the placement and care responsibility of the county or DHFS and to assign the county or DHFS primary responsibility for providing services to the child. In addition, the bill requires a county, DHFS, or DOC, when placing a child outside the home under a voluntary agreement, to explicitly state in the voluntary agreement that the county, DHFS, or DOC has placement and care responsibility for the child and has primary responsibility for providing services to the child.

This bill requires DWD to provide a child care quality rating system for child care providers licensed by DHFS that receive reimbursement under the W-2 program or that volunteer for rating under the system. The rating information must be made available, including on DWD's Internet site, to parents, guardians, and legal custodians of children who are recipients, or prospective recipients, of care and supervision from a child care provider.

This bill increases the age-related basic maintenance rates that are paid by the state or a county to a foster parent for the care and maintenance of a child.

This bill permits DHFS in fiscal year 2007-08 and DCF in fiscal year 2008-09 to expend not more than a total of \$500,000 in certain federal revenues received in fiscal year 2006-07 or 2007-08 for unexpected or unusually high-cost out-of-home care placements of Indian children ordered by tribal courts.

PUBLIC ASSISTANCE

Currently, under Senior Care, DHFS reimburses pharmacists and pharmacies for providing prescription drugs to elderly persons at reduced rates. DHFS provides payments from general purpose revenues, rebate payments made by prescription drug manufacturers, and federal funds.

This bill establishes the health care quality fund, consisting of moneys obtained from an increase in cigarette and other tobacco products taxes and certain other moneys and used as another source of Senior Care funding.

Under current law, a person who applies for benefits under Wisconsin Works, MA, or the food stamp program must provide, as a condition of eligibility, a declaration of citizenship or satisfactory immigration status. Federal law provides that no federal moneys will be provided to a state for MA expenditures made on

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behalf of a person who declares that he or she is a citizen or national of the United States unless the person presents satisfactory documentary evidence of citizenship or nationality. Federal law specifies the documentary evidence that is satisfactory and certain exemptions to the requirement. This bill conforms state law to federal law.

Under the Chronic Disease Program, DHFS currently provides financial assistance for the cost of medical care to persons with chronic kidney disease, cystic fibrosis, and hemophilia.

This bill requires health insurers, self-insured plans, service benefits plans, and pharmacy benefits managers (third parties) to provide to DHFS information from their records to identify persons receiving benefits under the Chronic Disease Program and under Senior Care who are eligible, or would be eligible as dependents, for third-party health care coverage and imposes other requirements on third parties that are similar to those by which third-party liability is determined and enforced under MA.

Under current law, DHFS provides benefits under the federal Food Stamp Program and contracts with DWD for administration of an employment and training program for Food Stamp Program recipients. This bill transfers, administration of the employment and training program for food stamp recipients to DHFS, which may contract with county departments of social services and human services and with tribal governing bodies to administer the program.

Under current law, an individual is ineligible for food stamps in any month in which the individual is not in compliance with various child support enforcement requirements, such as refusing to cooperate with efforts to establish paternity with respect to a child or being delinquent in the payment of child support. This bill removes noncompliance with the child support enforcement requirements as a basis for ineligibility for food stamps.

WISCONSIN WORKS

Currently the Wisconsin Works (W-2) program provides work experience and benefits for low-income custodial parents who are at least 18 years old; job search assistance to noncustodial parents who are required to pay child support, to minor custodial parents, and to pregnant women who are not custodial parents; and child care subsidies for certain parents who need child care services to participate in various educational or work activities. W-2 is administered by DWD, which contracts with W-2 agencies to administer W-2 on the local level.

The work components under W-2, called employment positions, consist of three categories: trial jobs, community service jobs, and transitional placements. A participant in an employment position must search for unsubsidized employment the entire time that he or she is participating in the W-2 employment position. Under current law, DWD is directed to continue the creation and implementation of a subsidized work program.

This bill eliminates the latter directive and requires DWD to conduct and evaluate, from January 1, 2008, to December 31, 2009, a real work, real pay pilot project, limited to 500 participants and conducted in at least one of the areas of the state established for administering the W-2 program that is located in Milwaukee

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County and in at least two areas that are not in Milwaukee County. Under the project, a W-2 agency pays a wage subsidy, which may not exceed the federal minimum wage for no more than 30 hours of work per week, to an employer that employs a project participant. The employer is also reimbursed for up to 100 percent of federal social security taxes, state and federal unemployment contributions, and worker's compensation insurance premiums paid on behalf of a participant. An employer that employs a participant and receives a wage subsidy must agree to make a good faith effort to retain the participant as an unsubsidized employee after the wage subsidy ends if the participant successfully completes participation in the pilot project.

Under current law, a person who is eligible for W-2 and who is the custodial parent of a child who is 12 weeks old or less may receive a monthly grant of \$673 and may not be required to work in a W-2 employment position. This bill provides that the custodial parent of a child who is 26 weeks old or less may receive the monthly grant and may not be required to work in a W-2 employment position. In addition, the bill provides that an unmarried woman who would be eligible for W-2 except that she is not a custodial parent may also receive a monthly grant of \$673 and may not be required to work in a W-2 employment position if she is in the third trimester of a medically verified pregnancy that is at risk and that renders the woman unable to participate in the workforce.

Under W-2, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, is eligible for a child care subsidy if the individual needs child care services to participate in various educational or work activities and satisfies other eligibility criteria, one of which is that the individual's family income may not exceed 185 percent of the poverty line. If an individual is already receiving a child care subsidy, however, family income may be as high as 200 percent of the poverty line. This bill changes these maximum family income levels to 175 percent of the poverty line for an individual who is first applying for a child care subsidy and to 190 percent of the poverty line for an individual who is already receiving a subsidy.

HEALTH

Under current law, DHFS administers a program under which individuals with a human immunodeficiency virus (HIV) infection may be reimbursed for the cost of the drug azidothymidine (AZT) or other cost-effective alternatives. DHFS also administers a program under which individuals with an HIV infection may have their health insurance premiums subsidized if they are on unpaid medical leave, or have had to discontinue their employment or reduce their hours, because of a medical condition arising from or related to the HIV infection.

This bill requires DHFS to conduct a three-year pilot program under which DHFS may pay premiums and copayments for drugs that are eligible for reimbursement under the AZT-reimbursement program, for individuals under the Health Insurance Risk-Sharing Plan (HIRSP), which is the health insurance program that provides major medical health insurance coverage for disabled persons covered under Medicare, persons with HIV, and persons who have been refused coverage in the private health insurance market. The pilot program is limited to 100

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individuals at any given time who: 1) are eligible for the AZT-reimbursement program; 2) do not have health insurance coverage; and 3) are not eligible for the health insurance premium subsidy program.

Currently, DHFS administers the Well-Woman Program, under which certain medical services related to breast cancer, cervical cancer, and multiple sclerosis and certain general medical services are provided to underinsured and uninsured women of low income.

This bill requires health insurers, self-insured plans, service benefits plans, and pharmacy benefits managers (third parties) to provide information to DHFS to identify persons receiving benefits under the Well-Woman Program who are eligible, or would be eligible as dependents, for third-party health care coverage and imposes other requirements on third parties that are similar to those by which third-party liability is determined and enforced under MA.

This bill does all of following:

1. Provides that the HIRSP Authority is to be treated as a state agency for all purposes under the Wisconsin Retirement System, including the purpose of providing fringe benefits, such as participation in the pension plan and health insurance coverage, to its employees.

2. Requires the Investment Board, if requested by the HIRSP Authority, to invest funds of the HIRSP Authority in the state investment fund and permits the HIRSP Authority to participate in the local government pooled-investment fund.

3. Allows prescription drugs to be provided under HIRSP by a network of pharmacists and pharmacies that are approved by the HIRSP Authority Board of Directors.

4. Requires payments to providers under HIRSP to consist of usual and customary payment rates instead of the allowable charges for services and articles under MA.

5. Expands eligibility for premium and deductible subsidies to all persons with coverage under HIRSP with incomes below a specified level.

Under current law, DHFS annually assesses hospitals a statewide total of \$1,500,000, in proportion to each hospital's respective gross private-pay patient revenues during the hospital's most recent fiscal year. Moneys from the assessments pay for a portion of MA benefits, certain long-term care pilot projects under COP, and services under Family Care. This bill eliminates the current hospital assessments and instead authorizes DHFS to collect an annual assessment on hospitals based on claims. Under the bill, the assessments are based on a rate not to exceed 1 percent of a hospital's gross revenues, as adjusted by DHFS. The assessments are deposited into the health care quality fund, as created in the bill.

Currently, DHFS subsidizes the premium costs for health insurance coverage, except for Medicare premiums, of low-income persons who are unable to continue employment or must reduce employment hours because of illnesses or medical conditions arising from HIV infections. Medicare has separate programs of coverage for hospital care, physicians' services, and prescription drugs. This bill authorizes

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DHFS to subsidize the premium costs for Medicare prescription drug coverage for these persons.

This bill requires DHFS to award a grant of at least \$167,000 in each fiscal year to an organization for services to consumers and providers of supportive home care and personal care.

LONG-TERM CARE

Under current law, DHFS administers a variety of long-term care programs for people who are aged or have a disability. Under the Community Options Program (COP), Community Options Waiver Program (COP Waiver), and the Community Integration Program for people who are relocated or diverted from nursing homes (CIP II), counties provide community-based long-term care services to persons who are aged or have a physical or developmental disability and qualify for MA. A number of counties have implemented the Family Care program to provide long-term care services for a capitated payment rate and information and referrals related to long-term care options. Finally, in several counties, organizations administer the Wisconsin Partnership Program or the Program for All-Inclusive Care for the Elderly (PACE), capitated payment rate programs to provide both long-term care and acute health care services to elderly people or people with physical disabilities who are eligible for nursing home care.

Current law requires that DHFS obtain approval from JCF before expanding use of capitated rate payment programs to provide long-term care services. This bill eliminates this requirement.

Under the Family Care Program, DHFS contracts with resource centers to provide information to interested individuals regarding long-term care services and to determine eligibility for the family care benefit. DHFS contracts with care management organizations (CMOs) to provide the family care benefit to eligible people for a capitated monthly rate. CMOs must provide a variety of services under the family care benefit including supportive living, personal care, supported employment, and home health services, as well as nursing home and other institutional care.

To be eligible for the family care benefit, a person must be at least 18 years of age; have a physical or developmental disability or a degenerative brain disorder (a qualifying condition); have a long-term or irreversible condition and be in need of ongoing care or require care in order to maintain independence or functional capacity (functional eligibility); and either be eligible for MA or have projected care costs that exceed a specified portion of income and assets (financial eligibility).

Currently, five counties have both a resource center and a CMO, and an additional four counties have only a resource center. Before DHFS contracts with an entity to operate a resource center or a CMO in a county or for a tribe, the county or tribe must appoint a local long-term care council and the council must develop a plan concerning whether and how to implement Family Care. A single entity may not operate both a resource center and a CMO. A county, alone or with other counties, may create a special purpose district called a family care district that is independent of the county to operate either a resource center or a CMO, and a tribe may establish a corporation that is separate from the tribe to operate a resource center or a CMO.

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The bill makes the following changes to Family Care:

1. The bill eliminates the requirement that DHFS obtain approval from JCF before entering into a new contract for a resource center or a CMO, and before entering into a contract with a private entity to operate a CMO.

2. The bill eliminates the current requirement that DHFS only make the family care benefit available in areas of the state in which, in the aggregate, not more than 50 percent of the population that is eligible for the family care benefit resides.

3. Currently, only people who are eligible for both the family care benefit and MA are entitled to the family care benefit. By January 1, 2008, DHFS must extend entitlement for the benefit to certain persons who are not MA eligible. The bill requires that a person be eligible for MA to receive the benefit, and thus eliminates the requirement that DHFS extend, by January 1, 2008, entitlement for the benefit to people who are not eligible for MA. The bill provides, however, that people who are not eligible for MA but are receiving the benefit on the date this bill is enacted continue to be eligible for, but not entitled to, the family care benefit.

4. The bill renames a family care district a long-term care district and provides for tribes (acting alone or in conjunction with counties or tribes). The bill allows a long-term care district to operate the Wisconsin Partnership Program or PACE, as long as the district does not also operate a resource center. The bill also modifies membership of long-term care district boards; modifies compensation and benefit provisions for former county employees hired by a long-term care district; specifies that counties are not responsible for providing or paying for services that a long-term care district is required by statute or contract to provide or pay for; and provides for a county or tribe to withdraw or be removed from a long-term care district.

5. Currently, the local long-term care council for a county or tribe is required to review the performance of CMOs, identify gaps in services provided by the CMOs, develop strategies for increasing availability of needed long-term care services, advise the CMOs, monitor coordination between the resource center and CMOs, and perform long-range planning for the long-term care system. The councils must report to DHFS annually on achievements and problems of the local long term-care system. This bill eliminates the councils and assigns some of their duties to the governing boards of resource centers and some to regional long-term care advisory committees, which are created in the bill.

The bill requires governing boards of resource centers to assess the availability and adequacy of long-term care services, review coordination between the resource center and CMOs, monitor complaints and appeals regarding the local long-term care system, and develop strategies for increasing the availability for long-term care services. The governing boards must report their findings to the appropriate regional long-term care committee.

The bill requires DHFS to establish regions for regional long-term care advisory committees. The governing body of each resource center must appoint a number of members specified by DHFS to serve on the appropriate regional long-term care committee. The duties of the committees include evaluating the performance of CMOs and resource centers, monitoring grievances and appeals regarding CMOs, reviewing the utilization of long-term care services, identifying

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gaps in the availability of long-term care services, and performing long range planning for the regional long-term care system.

6. The bill eliminates degenerative brain disorder as a qualifying condition for the family care benefit, and instead provides that a person has a qualifying condition if he or she is a “frail elder” (a person who is 65 years of age or older with a physical disability or irreversible dementia that restricts the individual’s ability to perform daily tasks or that threatens the capacity to live independently).

7. Currently, a person may be functionally eligible for the family care benefit at one of two levels, comprehensive or intermediate. This bill changes the two levels to nursing home level of care and non-nursing home level of care.

8. The bill allows DHFS to determine by agreement with a county that has a CMO the portion of the county’s basic community aids allocation that is used to fund the county’s resource center and CMO.

9. The bill provides that counties in which the family care benefit is available or in which the Wisconsin Partnership Program or PACE is operated may use their COP funding to provide mental health or substance abuse services or to provide services under the Family Support Program. Under the Family Support Program, counties provide services to families of children who are disabled to assist the families in caring for the children at home.

Under current law, community-based residential facilities (CBRFs) must assess the financial condition of privately paying clients prior to admission and provide them a statement that includes the estimated date on which the client would deplete his or her financial resources by paying for care in the facility. If that date is less than two years from the date of the statement, the CBRF must refer the client to the county department responsible for administering long-term care programs to assess the person’s functional abilities, disabilities, and service needs and review alternatives to institutional care. Counties generally may not use COP, COP Waiver, or CIP II funds to pay for care in a CBRF unless the program recipient underwent such an assessment before he or she entered the CBRF, regardless of whether the recipient entered the CBRF as a privately paying client.

This bill repeals the requirement that CBRFs assess the financial condition of privately paying clients prior to admission and the restriction on using COP, COP Waiver, or CIP II funds to pay for care in a CBRF for a program recipient who did not undergo an assessment of his or her abilities, disabilities, and services needs and a review of alternatives to institutional care before entering the CBRF.

The bill repeals the requirements that adult family homes provide information to prospective residents regarding Family Care resource centers and the family care benefit and refer prospective residents to the resource centers. The bill also repeals the requirement that hospitals refer patients to resource centers before discharging them. Under the bill, CBRFs and residential care apartment complexes must provide information regarding resource centers and the family care benefit to prospective residents and, if a referral is required, refer prospective residents to resource centers when the CBRFs or RCACs first provide the prospective residents written material regarding their facilities. (A residential care apartment complex consists of independent apartments, each of which has an individual lockable

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entrance and exit, a kitchen with a stove, and individual bathroom, sleeping, and living areas, and provides to a resident not more than 28 hours per week of supportive, personal, and nursing services.) Also, in counties that do not have resource centers, CBRFs must refer certain prospective residents who are aged or have a physical or developmental disability to the county department responsible for administering long-term care programs, and the county department must offer the prospective resident counseling concerning public and private long-term care benefit programs.

Under current law, intermediate care facilities for the mentally retarded (ICF-MRs) must pay the state an assessment of \$445 per month for each licensed bed. Federal law provides for a reduction in federal funding for MA if the state collects an amount in ICF-MR bed assessments that exceeds a specified portion of the aggregate revenues of all ICF-MRs in the state.

This bill directs DHFS annually to set the monthly per bed assessment amount at 5.5 percent of the projected aggregate annual revenues for ICF-MRs in the state divided by the number of licensed ICF-MR beds and by 12 months. DHFS may reduce the assessment amount during any fiscal year to avoid collecting an amount during that year that exceeds 5.5 percent of ICF-MR aggregate revenues.

Under current law, nursing homes must pay the state an assessment on each licensed bed that may not exceed \$75. This bill raises that maximum amount for the nursing home bed assessment to \$127.

Under current law, the maximum number of licensed nursing home beds statewide is 51,795. A nursing home may transfer a licensed bed to another nursing home only under certain conditions. This bill reduces the statewide licensed nursing home bed cap to 42,000 beds and provides that when a licensed bed is transferred, the receiving nursing home must be in the same bed allocation area, as determined by DHFS, or in an adjoining area.

Under current law, DHFS may approve a temporary reduction in the number of beds licensed for a nursing home if the nursing home's occupancy rate falls below the minimum per patient day occupancy standard established by DHFS. If the nursing home does not resume licensure of the affected beds, DHFS must incrementally revoke the license for the beds. This bill repeals the authority of DHFS to reduce temporarily a nursing home's number of licensed beds.

This bill requires health insurers, self-insured plans, service benefits plans, and pharmacy benefits managers (third parties) to provide to DHFS information from their records to enable DHFS to identify persons receiving benefits under Family Care who are eligible, or would be eligible as dependents, for third-party health care coverage and imposes other requirements on third parties that are similar to those by which third-party liability is determined and enforced under MA.

This bill requires DHFS to seek any waivers from federal MA laws that are necessary to implement, in at least three pilot sites, an MA Program under managed care for the long-term care of children with disabilities. The bill also requires DHFS to award moneys in both years of the fiscal biennium for technical assistance and

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planning services in support of family-centered managed care for children with long-term support needs.

Under current law, the long-term care ombudsman may enter, without notice, and have access to clients and residents of a nursing home, a CBRF, a place in which care is provided under a continuing care contract, a swing bed in an acute care or extended care facility, or an adult family home (a long-term care facility). The ombudsman may communicate in private with a client or resident, review records with consent of the client or resident or his or her legal counsel, and have access to records of the long-term care facility or of DHFS concerning regulation of the long-term care facility. Current law specifies the rights of residents of nursing homes and CBRFs, including the rights to have private and unrestricted communication with others, to present grievances without justifiable fear of reprisal, and to be fully informed of all services, charges for services, and changes in service. Current law authorizes the Board on Aging and Long-Term Care to contract to provide advocacy services to potential or actual recipients of the Family Care Program, or their families or guardians.

This bill expands the definition of a long-term care facility, for purposes of activities by the long-term care ombudsman, to include residential care apartment complexes. The bill provides that residents of residential care apartment complexes are entitled to the same rights as residents of nursing homes and CBRFs. The bill authorizes the Board on Aging and Long-Term Care to employ staff within the classified service to provide advocacy services to Family Care recipients or potential recipients, their families, and guardians.

OTHER HEALTH AND HUMAN SERVICES

Currently, DHFS awards grants to prevent, reduce, or cease tobacco use. This bill establishes the health care quality fund. The fund consists of moneys derived from the increase in cigarette and other tobacco products taxes, moneys transferred from the permanent endowment fund, and moneys from certain other sources. Under the bill, moneys in the health care quality fund are used to fund, in part, tobacco use control programs and for health care quality and patient safety information.

Under current law, DHFS may recover incorrect payments made for health care services under MA that resulted from certain action or inaction by an applicant or recipient. If DHFS provides medical assistance to a person as a result of, for example, an injury that was caused by a third party, DHFS may recover from the third party the amount of the medical assistance provided. Also under current law, if an individual who is obligated to pay support (court-ordered child or family support or maintenance) has an overdue support obligation because of a failure to pay, his or her name, social security number, and amount of overdue support is posted on a statewide support lien docket.

This bill requires every insurer authorized to do business in this state, before paying a claim of \$500 or more, to verify with DHFS that the individual to whom the claim is to be paid does not have a medical assistance liability (an amount of medical assistance paid incorrectly under MA or that DHFS may recover from a third party) and to check the statewide support lien docket to ensure that the individual does not

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have an overdue support obligation. If the individual has an overdue support obligation or a medical assistance liability, the insurer must pay the claim proceeds, up to the amount of the overdue obligation or liability, to DWD or DHFS before paying the individual any claim proceeds that remain.

This bill increases the fees that the state registrar or a local registrar must charge for issuing a copy of a certificate of birth, death, divorce or annulment, or marriage (vital record); for verifying information about the event without issuing a copy; for issuing an additional copy of the same vital record at the same time, for expedited service; and for searching vital records under certain circumstances. Of the fees charged for certain birth certificates and copies, a portion is used by the Child Abuse and Neglect Prevention Board (CANPB) for expenses, for certain statewide projects, for the Family Resource Center Grant Program, and for technical assistance to organizations. This bill increases the portion used by CANPB.

The bill requires local registrars to forward to the secretary of administration 60 percent of all revenue generated by fee increases for the issuance of copies of vital records, other than divorce records. From these moneys, DHFS must distribute \$950,000 in each fiscal year for domestic abuse services, \$250,000 in each fiscal year to Milwaukee County for gender-responsive alcohol and other drug abuse services and other services to drug dependent women with children, \$50,000 in each fiscal year to Milwaukee County for services to aid youth in transferring from foster care to independent living, and \$500,000 in each fiscal year for comprehensive early childhood initiatives in Dane County for low-income families.

The bill also increases fees the state registrar must charge for making amendments to birth records without a court order; making court-ordered corrections to birth certificates; making any change in a birth certificate, such as acknowledgment of paternity; making court-ordered name changes; and for registering certain new or corrected vital records, and late registration of birth certificates.

This bill creates a health care quality and patient safety council, attached to DHFS, to consider the most cost-effective means of implementing a statewide integrated or interoperable health care information system.

Under current law, WHEFA provides financial assistance to health facilities and participating health institutions. This bill prohibits WHEFA from providing such assistance unless the health facility or institution demonstrates progress in improving medical information systems technology.

This bill increases from \$35 to \$65 the annual fee that a person who is obligated to pay child or family support must pay to DWD for receiving and disbursing the child support funds. This bill also requires DWD to collect an annual fee of \$25 from a person who receives child or family support.

Under current law, DHFS distributes community aids to counties to provide social, mental health, developmental disabilities, and alcohol and other drug abuse services. This bill eliminates the current requirement that each county, before December 1 of each year, submit to DHFS a proposed budget for the expenditure of the community aids allocated to that county.

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Currently, the Council on Developmental Disabilities, attached to DHFS, performs numerous duties, including developing, approving, and continuing modification of the statewide plan for delivery of services to individuals with developmental disabilities. The council is funded, in part, by a federal grant. This bill transfers the council to DOA and requires DHFS to ensure that the matching funds requirement under the federal grant is met.

Currently, DHFS makes loans to nonprofit organizations to establish housing programs for individuals who are recovering from alcohol or other drug abuse. This bill eliminates these loans.

INSURANCE

This bill creates the Healthy Wisconsin Authority (HWA), which is a public body corporate and politic with a board of directors that is created by state law but that is not a state agency. The board of directors consists of the commissioner of insurance, or the commissioner's designee, and 13 other members who serve four-year terms. HWA is treated like a state agency with respect to the open records and open meetings laws; the law regulating lobbying; state purchasing requirements; exemption from income tax, sales and use tax, and property taxes; the Code of Ethics for Public Officials and Employees; all purposes under the Wisconsin Retirement System; and auditing by the Legislative Audit Bureau. HWA is unlike a state agency in that it may approve its own budget; its employees are not state employees; and it is not subject to statutory rule-making procedures.

The bill directs HWA to study options and develop recommendations for providing reinsurance to groups and individuals for catastrophic claims under health insurance policies. HWA must develop and administer any reinsurance program for which legislation is enacted that authorizes or requires HWA to do so and may explore other ways to lower health care costs, including considering options for comprehensive health care reform.

Under current law, a group health insurance policy that covers any inpatient hospital treatment must cover at least 30 days or, generally, \$7,000 of inpatient hospital treatment of nervous and mental disorders and alcoholism and other drug abuse problems. If a group health insurance policy covers any outpatient treatment, it must cover at least, generally, \$2,000 of outpatient treatment of nervous and mental disorders and alcoholism and other drug abuse problems. If a group health insurance policy covers any inpatient hospital or outpatient treatment, it must cover at least, generally, \$3,000 of transitional treatment (services, specified by the commissioner of insurance, that are provided in a less restrictive manner than inpatient services but in a more intensive manner than outpatient services) of nervous and mental disorders and alcoholism and other drug abuse problems. If a group health insurance policy covers both inpatient and outpatient hospital services, the total coverage for all types of treatment for nervous and mental disorders and alcoholism and other drug abuse problems need not exceed, generally, \$7,000 in a policy year.

This bill increases the minimum amounts of coverage that must be provided for the treatment of nervous and mental disorders and alcoholism and other drug abuse

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problems on the basis of the change in the consumer price index for medical services since the current coverage amounts were enacted in 1985 and 1992.

Excluding limited-scope benefit plans, medicare replacement or supplement policies, long-term care policies, and policies covering only certain specified diseases, this bill requires health insurance policies and self-insured governmental and school district health plans to cover up to four hours per month of treatment for autism, Asperger's syndrome, and pervasive developmental disorder not otherwise specified if the treatment is provided by a psychiatrist, a psychologist, or a social worker who is certified or licensed to practice psychotherapy. The coverage requirement applies to both individual and group health insurance policies and may be subject to any limitations or exclusions or cost-sharing provisions that apply generally under the policy or plan.

Under current law, an insurer may not restrict or terminate coverage for chiropractic treatment under a health insurance policy that covers chiropractic treatment except on the basis of an independent evaluation. If the insurer restricts or terminates a patient's coverage for chiropractic treatment and the patient then becomes liable for payment of the treatment, the insurer must provide to the patient and the treating chiropractor a written statement that includes a reasonable explanation of the factual basis for the restriction or termination of coverage.

Under this bill, the written statement must provide a detailed, rather than merely reasonable, explanation of the clinical rationale, rather than the factual basis, for the restriction or termination of coverage. Also, if an insurer restricts or terminates an insured's coverage for treatment, not limited to chiropractic treatment, and as a result the insured becomes liable for all of the cost of the treatment, the insurer must provide on the explanation of benefits form a detailed explanation of the clinical rationale and the basis in the policy or applicable law for the restriction or termination of coverage.

Current law does not regulate the use of current procedural terminology codes (numbers on a health insurance claim form that indicate the services that a health care provider performed). This bill requires an insurer who changes the current procedural terminology code that the health care provider put on the health insurance claim form to include on the explanation of benefits form the reason for the change and to cite the source for the change.

Under current law, certain health care providers are required to carry health care liability insurance with liability limits of at least \$1,000,000 for each occurrence and at least \$3,000,000 for all occurrences in a policy year. Any portion of a medical malpractice claim against a health care provider subject to the health care liability insurance requirements that exceeds the policy limits of the health care provider's health care liability insurance is paid from the injured patients and families compensation fund. Moneys in the fund come from annual assessments paid by the health care providers who are subject to the health care liability insurance requirements. This bill transfers \$175,000,000 in fiscal year 2007-08 from the injured patients and families compensation fund to the health care quality fund created in the bill.

SENATE BILL 40**JUSTICE**

This bill authorizes DOJ to bring an action for injunctive or other equitable relief against a person who interferes with the exercise or enjoyment by an individual of a right secured by the constitution or laws of this state or of the United States.

Currently, under the Crime Victim Compensation Program, DOJ must compensate victims of certain crimes for expenses that result from the victim's injury or death. DOJ may not compensate a victim who has not cooperated with appropriate law enforcement agencies. Any compensation that DOJ provides must be reduced by any insurance payments received as a result of the crime.

This bill creates the Sexual Assault Forensic Examination Program, under which a health care provider who examines a victim of a sex offense is compensated by DOJ for the costs of the examination, any procedure that tests for or prevents a sexually transmitted disease, and any medication to prevent or treat a sexually transmitted disease (examination costs). If the victim does not authorize the health care provider to seek payment from insurance or another program, DOJ must compensate the health care provider for the examination costs, regardless of whether the victim cooperates with a law enforcement agency. If the victim does authorize the health care provider to seek payment from insurance or another program, DOJ must compensate the health care provider for the examination costs, reduced by any payment from insurance or another program, only if the victim refuses to cooperate with a law enforcement agency.

Under current law, most people who are ordered by a state or municipal court to pay a fine or forfeiture must also pay a penalty surcharge equal to 26 percent of the fine or forfeiture. The penalty surcharges are used by DOJ to fund a variety of activities, services, and equipment, including training for law enforcement and correctional officers, enforcement of drug laws, services for crime victims, and information systems for law enforcement. This bill increases the penalty surcharge to 27 percent of fines or forfeitures.

Under current law, a firearms dealer must request that DOJ perform a firearms restrictions record search on a handgun purchaser before the dealer may complete a sale of a handgun to the purchaser. DOJ charges firearms dealers \$8 for each record search and uses the fees for the administrative costs of conducting records searches. This bill increases the firearms restrictions record search fee to \$30 and provides that, in addition to using the fees for record search administrative costs, DOJ may use the fees to fund the same activities, services, and equipment that are funded with penalty surcharges.

LOCAL GOVERNMENT

Until January 1, 2007, the law prohibited a political subdivision (any city, village, town, or county) from increasing its levy by a percentage that exceeded its valuation factor, which was the percentage change in the political subdivision's equalized value due to new construction, less improvements removed, but not less than 2 percent. In addition, the calculation of a political subdivision's levy did not include any tax increment generated by a tax incremental district.

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The law contained a number of exceptions to the levy limit, such as for the transfer of the provision of services, for cities or villages that annexed town territory, and for certain debt service payments.

A political subdivision's levy limit could be increased if the amount of debt service in the current year exceeded the amount in the prior year for debt that was approved by the governing body before July 1, 2005. If a political subdivision exceeded the levy limit, DOR was required to reduce the political subdivision's local aid payments by the amount of the excess.

This bill reinstates the levy limit for the 2007 and 2008 levies and modifies the calculation of the limit. The bill changes the definition of "valuation factor" to be the greater of either 4 percent or the percentage change in the political subdivision's equalized value due to new construction, less improvements removed. The bill also creates several new exceptions to the levy limit, including levies for certain bridge and culvert construction and repairs; certain levies related to jointly provided fire protection services; and county levies for payments to adjacent counties for library services.

Under the bill, DOR may not reduce a political subdivision's aid payments unless the amount of the excess levy is at least \$500, but if the amount exceeds a political subdivision's aid payments in the following year, DOR must reduce local aid payments in future years until the amount is fully deducted. Also under the bill, a political subdivision is not penalized for an excess levy if DOR determines that the excess is directly caused by DOR assessment errors or because of an error in preparing or delivering the tax roll by the taxation district clerk or county clerk.

This bill authorizes a county with a population of 500,000 or more (currently only Milwaukee County) to issue appropriation bonds on a one-time basis to pay all or part of the county's unfunded prior service liability with respect to an employee retirement system of the county. Appropriation bonds are any bond, note, or other obligation of a county issued as provided in the bill to evidence the county's obligation to repay borrowed money that is payable from various sources.

Before the county may issue appropriation bonds, the county must enact an ordinance to implement a five-year strategic and financial plan related to the payment of unfunded employee retirement benefits. The financial plan must provide that future annual pension liabilities are funded on a current basis and must contain quantifiable benchmarks to measure compliance with the plan.

The bill states that the county is not generally liable for appropriation bonds, and appropriation bonds are not a debt of the county for any purpose. The principal and the interest on the bonds are payable only from amounts that the county board may appropriate.

Under the current Expenditure Restraint Program, the state provides an annual aid payment to any municipality that has a property tax rate greater than five mills and that limits the growth of its municipal budget according to a formula based on 60 percent of the percentage change in the equalized assessed value of new construction located in the municipality and on the rate of inflation.

This bill eliminates the Expenditure Restraint Program and replaces it with the Municipal Levy Restraint Program. Under the Municipal Levy Restraint

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Program, the state provides annual aid payments, beginning in 2009, to any municipality that has a property tax rate greater than five mills and that limits its property tax levy to an amount that is no greater than the maximum allowable levy according to a formula that is based on 60 percent of the percentage change in the equalized assessed value of new construction located in the region in which the municipality is located and on the rate of inflation.

The bill also creates the County Levy Restraint Program, under which the state provides annual aid payments, beginning in 2009, to any county that limits its property tax levy to an amount that is no greater than the maximum allowable levy according to a formula that is based on 60 percent of the percentage change in the equalized assessed value of new construction located in the county and on the rate of inflation.

This bill increases the total amount of county and municipal aid to be distributed in 2008 by \$15,000,000 over the total amount of aid distributed in 2007. Each county and municipality receives an increased payment in proportion to its share of total county and municipal aid payments in 2007. In 2009 and subsequent years, the amount of each county's and municipality's payment is the same as the amount of its payment in 2008.

Under current law, no city or village may annex town territory that is located in a county with a population of at least 50,000 people unless DOA reviews the proposed annexation and offers an opinion as to whether the annexation is in the public interest. The city or village must review DOA's advice before taking final action on the proposed annexation. This bill requires DOA review in all counties.

Generally, under current law, the Milwaukee Metropolitan Sewerage District (MMSD) must award all contracts for all work done and all purchases of supplies and materials to the lowest responsible bidder.

This bill authorizes MMSD to let one contract for public construction that may be only for the construction of a deep tunnel pump station using the design-build construction process. This process is defined as a project delivery and procurement process for the design, construction, repair, renovation, installation, or demolition of a public works project under which a single entity is responsible for the professional design services and construction services related to the project. MMSD must submit to DNR performance objectives and preliminary designs for the design-build project, rather than the completed plans required under current law.

Generally, under current law, the governing body of a political subdivision may, by a two-thirds vote of its members, enact an ordinance or adopt a resolution declaring itself to be a premier resort area if at least 40 percent of the equalized assessed value of the taxable property within the political subdivision is used by "tourism-related retailers," as defined in a manual that is published by the U.S. Office of Management and Budget. The definition covers 21 types of retailers, including variety stores, dairy product stores, gasoline service stations, eating and drinking places, and hotels and motels.

A premier resort area may impose a tax at a rate of 0.5 percent of the gross receipts from the sale, lease, or rental of goods or services that are subject to the general sales and use tax and are sold by tourism-related retailers. The proceeds

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of the tax may be used only to pay for infrastructure expenses within the jurisdiction of the premier resort area, including the costs related to parking lots, transportation facilities, sewer and water facilities, recreational facilities, fire fighting equipment, and police vehicles.

The city of Eagle River, the city of Bayfield, the village of Ephraim, and the village of Sister Bay are currently authorized to enact an ordinance or adopt a resolution to become a premier resort area even though none meet the requirement that at least 40 percent of the equalized assessed value of the taxable property be used by tourism-related retailers.

This bill allows the common council of a first class city (presently only Milwaukee) to declare a specified area of the city a premier resort area even if the specified area does not meet the requirement that at least 40 percent of the equalized assessed value of the taxable property within the specified area be used by tourism-related retailers. The area must be contiguous, may not exceed four square miles, and must correspond to nine-digit zip code areas.

Under current law, a law enforcement officer or fire fighter employed by a city (other than a first class city), village, town or county may not be suspended, reduced in rank, suspended and reduced in rank, or dismissed by a grievance committee, civil service commission, county board, or board of police and fire commissioners (tribunal) unless the tribunal determines that there is just cause to sustain the charges that have been brought against the officer or fire fighter. If the charges are sustained and the officer or fire fighter is disciplined by the tribunal, he or she may appeal the order to circuit court, except that a county law enforcement officer, under a recent decision of the Wisconsin Supreme Court, may proceed either with an appeal to circuit court or with the grievance procedures, including arbitration, in the officer's collective bargaining agreement. The trial based on the appeal is before the court, which must determine whether there is just cause to sustain the charges against the accused officer or fire fighter and the tribunal's order. If the charges and the tribunal's order are sustained, the tribunal's order is final and conclusive but, if reversed, the officer or fire fighter is reinstated and entitled to pay as though he or she were in continuous service. Similar procedures, other than the just cause standard, apply to police officers employed by a first class city.

Under this bill, in a city, village, or town, if an accused officer or fire fighter is subject to the terms of a collective bargaining agreement that provides an alternative to the circuit court appeal procedure, the officer or fire fighter may choose to use the alternative procedure in the collective bargaining agreement instead of appealing to a circuit court. If the alternative procedure includes a hearing, the hearing must be open to the public. An accused officer or fire fighter who chooses the alternative procedure is considered to have waived his or her right to circuit court review of the tribunal's decision. These provisions do not apply to police officers or fire fighters employed by a first class city.

Under the current tax incremental financing program, a city or village may create a tax incremental district (TID) in part of its territory to foster development if at least 50 percent of the area to be included in the TID is blighted, in need of

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rehabilitation or conservation, suitable for industrial sites, or suitable for mixed-use development.

Also under current law, once a TID has been created, DOR calculates the tax increment base value of the TID, which is the equalized value of all taxable property within the TID at the time of its creation. If the development in the TID increases the value of the property in the TID above the base value, a value increment is created. That portion of taxes collected on the value increment in excess of the base value is called a tax increment. The tax increment is placed in a special fund that may be used only to pay back the project costs of the TID. The costs of a TID, which are initially incurred by the creating city or village, include the costs of public works, such as sewers, streets, and lighting systems; financing costs; site preparation costs; and professional service costs. DOR authorizes the allocation of the tax increments until the TID terminates or, generally, 20 years, 23 years, or 27 years after the TID is created, depending on the type of TID and the year in which it was created.

This bill authorizes a first class city to extend the life of a TID created by the city for up to 12 months after all of the TID's project costs have been paid. Under the bill, DOR must continue to authorize the allocation of tax increments for the TID as if its project costs had not been paid off, even if the TID would otherwise be required to terminate. The city may use up to 75 percent of the increments received during the TID's extended life to benefit affordable housing in the city. The remainder of the increments must be used to improve the quality of the city's existing housing stock.

Under current law, a city or village may create a redevelopment authority, which is a separate and distinct public body. A redevelopment authority may enter into any building or property in a project area (a blighted area that the city or village declares to be in need of blight elimination and urban renewal) to make inspections, surveys, appraisals, soundings, or test borings, and obtain a court order for these purposes if entry is denied or resisted (inspection rights).

This bill allows a redevelopment authority to use its inspection rights on any blighted property located in the city or village regardless of whether the blighted property is in a project area.

This bill provides that any person who knowingly presents or causes to be presented a false claim under any contract or order for materials, supplies, equipment, or contractual services to be provided to a local governmental unit is subject to a forfeiture of not less than \$5,000 and not more than \$10,000, plus three times the amount of the damages that were sustained by the local governmental unit or would have been sustained by the local governmental unit, whichever is greater, as a result of the false claim. The bill permits the attorney general to bring an action on behalf of the local governmental unit to recover any forfeiture for which a contractor or vendor is liable as a result of a false claim submitted to a local governmental unit.

NATURAL RESOURCES**FISH, GAME, AND WILDLIFE**

This bill increases the fee for a resident elk hunting license issued by DNR from \$46.25 to \$72.25, the fee for a nonresident elk hunting license from \$248.25 to

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\$397.25, and the processing fee for both a resident and a nonresident elk hunting license from \$2.75 to \$9.75.

This bill authorizes DNR to issue an annual shovelnose sturgeon permit authorizing the permit holder to harvest shovelnose sturgeon and their eggs.

RECREATION

Under current law, with certain exceptions, no person may operate a boat in the waters of this state unless the boat is covered by a certificate of number and a registration. This bill increases the certificate of number fees applicable to boats of a certain size and the certificate of number fee for nonmotorized sailboats. The bill also increases the registration fee for certain nonmotorized boats.

Under current law, DNR administers safety education programs for boat, all-terrain vehicle, and snowmobile users; hunters; and trappers. DNR issues a certificate showing completion of the course to each successful participant. Current law authorizes DNR to charge a fee for the issuance of a duplicate certificate showing completion of the hunter education programs. This bill authorizes DNR to charge a fee for the issuance of a duplicate certificate showing completion of the boating, all-terrain vehicle, or snowmobile safety program.

STEWARDSHIP PROGRAM

Current law authorizes the state to incur public debt by issuing bonds for various conservation activities under the Warren Knowles-Gaylord Nelson Stewardship 2000 Program, which DNR administers. The state is currently authorized to bond under two of the stewardship program's subprograms: the land acquisition subprogram and the property development and local assistance subprogram. Bonding under the land acquisition subprogram may generally be for land acquisition for habitat and natural areas and land acquisition that preserves or enhances the state's water resources. Bonding under the property development and local acquisition subprogram may generally be used only for nature-based outdoor recreation. Under this subprogram, DNR may award grants or state aid to certain local governmental units, including the Kickapoo Reserve Management Board, and nonprofit conservation organizations to acquire lands or development rights for nature-based, outdoor recreation purposes. The annual limits on bonding are set for each fiscal year, ending in fiscal year 2009-10. The total bonding authority for the stewardship program under current law is \$572,000,000.

This bill increases the total bonding authority by \$1,050,000,000, and extends the stewardship program for another ten years to fiscal year 2019-20 with the annual bonding authority set at \$105,000,000 for each of the subsequent ten years. The annual bonding authority for the land acquisition subprogram and for the local assistance and property development subprogram are set at \$79,000,000 and \$26,000,000 respectively.

Within the property development and local assistance subprogram, current law imposes an annual limit of \$8,000,000 in bonding authority for the local assistance component. This bill raises this limit to \$14,000,000 beginning with fiscal year 2010-11.

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The bill also establishes, beginning with fiscal year 2010–11, a matching grant program under which the state awards counties 50 percent of their costs to acquire land for activities such as hunting, fishing, hiking, bicycling, wildlife observation, and camping.

Finally, the bill requires DNR to set aside from the land acquisition program \$14,500,000 in each fiscal year, beginning in fiscal year 2010–11, for matching grants that may be awarded only to nonprofit conservation organizations. Under current law and under the bill, these grants must be used to acquire property or property rights for conservation purposes such as urban green space, habitat areas, and bluff protection. Under current law, the amount of the grant may not exceed 50 percent of the acquisition cost. This bill allows the natural resources board to increase this amount up to 75 percent in certain situations.

OTHER NATURAL RESOURCES

This bill creates a five–member Managed Forest Land Board in DNR to award grants to cities, villages, towns, counties, DNR, and nonprofit conservation organizations to acquire land for outdoor recreation activities consisting of hunting, fishing, hiking, sightseeing, and cross–country skiing. The grants are funded from a portion of the payments made by certain land owners in lieu of property taxes.

Under current law, DNR awards cost–sharing grants for projects to control invasive species that cause economic or environmental harm or harm to human health. A certain amount is allocated for cost–sharing grants to local governmental units to control aquatic invasive species. Under this bill, any public or private entity is eligible for such a grant. Currently, the amount of a grant may not exceed 50 percent of the cost of the project. This bill raises this cap to 75 percent.

Current law imposes penalties for violations of certain laws relating to controlling or introducing certain invasive species, but not for others. This bill creates penalties for those species for which there is no penalty under current law. The bill also authorizes a court to order additional remedies, such as requiring the violator to restore any natural resources damaged by the violation or to pay for investigation costs and attorney fees.

Current law provides a procedure for enforcement proceedings for violations of laws that relate to hunting, fishing, operating snowmobiles and all–terrain vehicles, and other conservation and environmental laws administered by DNR. This procedure applies only to violations of these laws that are punishable by payment of a civil forfeiture and not by payment of a fine or by imprisonment. Under the procedure, a law enforcement officer may initiate a proceeding by issuing a written citation or a district attorney may initiate a proceeding in court by issuing a complaint and summons.

This bill authorizes officers enforcing these laws to use an electronic format for filling out and issuing the citations. The bill also eliminates a requirement that a statement of probable cause be included in a citation.

RETIREMENT AND GROUP INSURANCE

The Group Insurance Board currently offers health care coverage plans for state employees, local government employees, school district employees, and

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annuitants under the Wisconsin Retirement System (WRS). This bill provides that domestic partners of state employees and state annuitants may receive coverage under these health care coverage plans. A domestic partner is an individual who is in a relationship with another individual that satisfies all of the following:

1. Each individual is at least 18 years old and otherwise competent to enter into a contract.
2. Neither individual is married to, or in a domestic partnership with, another individual.
3. The two individuals are not related by blood in any way that would prohibit marriage under current law.
4. The two individuals consider themselves to be members of each other's immediate family.
5. The two individuals agree to be responsible for each other's basic living expenses.

The state currently pays employer contributions toward health insurance premiums for most state employees beginning on the first day of the seventh month after the employee begins state employment. This bill changes the date to the first day of the third month after the employee begins state employment, beginning on July 1, 2008, for all state employees other than limited term appointments.

This bill increases WRS benefits provided to an "educational support personnel employee" who is a school district employee other than a teacher, librarian, or administrator. The bill makes the following changes to the WRS:

1. Under current law, to become covered under the WRS, an individual must work at least one-third of what is considered full-time employment, as determined by DETF. For all WRS participants, other than teachers, librarians, and administrators, DETF defines full-time employment to be 1,904 hours per year and one-third employment to be 600 hours per year. In contrast, for teachers, librarians, and administrators, DETF defines full-time employment to be 1,320 hours per year and one-third employment to be 440 hours per year. This bill requires that educational support personnel employees must be treated the same in terms of qualifying for coverage under the WRS as teachers, librarians, and administrators.
2. Under current law, one method to determine the initial amount of a WRS annuity is to use a retirement formula the variables of which are a participant's years of service, formula multiplier, and final average earnings. This bill provides that the final average earnings of an educational support personnel employee are increased by 25 percent for the purpose of determining the initial amount of a WRS retirement annuity.

STATE GOVERNMENT**STATE EMPLOYMENT**

This bill makes the following reassignments in the state civil service executive salary group (ESG) ranges: the secretary of corrections is reassigned from ESG 6 to ESG 8; the governor's chief of staff is reassigned from ESG 4 to ESG 6; the secretary of health and family services is reassigned from ESG 9 to ESG 8; the secretary of workforce development is reassigned from ESG 6 to ESG 7; the secretary of

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regulation and licensing is reassigned from ESG 4 to ESG 6; the adjutant general in DMA is reassigned from ESG 5 to ESG 6; the insurance commissioner is reassigned from ESG 5 to ESG 6; and the public service commissioners are reassigned from ESG 5 to ESG 6. The bill further provides that the salaries for certain division administrators and bureau directors in DRL may not exceed the maximum of the salary range for ESG 3. Currently, the salary maximum is capped at ESG 1.

STATE FINANCE

Currently, the Building Commission may enter into agreements and ancillary arrangements relating to public debt and state obligations. This bill provides that at the time of entering into such an agreement or ancillary arrangement, or in anticipation thereof, the commission must determine, if applicable, whether the payment will be deposited into, and whether the payment will be made from, the bond security and redemption fund or the capital improvement fund.

The bill also establishes a number of conditions relating to interest exchange agreements. These include all of the following:

1. The Building Commission must contract with an independent financial consulting firm to determine if the terms and conditions of the agreement reflect fair market value as of the date of the execution of the agreement.

2. The interest exchange agreement must identify by maturity, bond issue, or bond purpose the debt or obligation to which the agreement is related.

3. The resolution authorizing the Building Commission to enter into an interest exchange agreement must require that the terms and conditions of the agreement reflect fair market value as of the date of execution of the agreement, as reflected by the determination of an independent financial consulting firm.

4. Finally, the Building Commission must establish guidelines relating to the conditions under which the Building Commission may enter into the agreements; the form and content of the agreements; the aspects of risk exposure associated with the agreements; the standards and procedures for counterparty selection; the standards for the procurement of, and the setting aside of reserves, if any, in connection with the agreements; the provisions, if any, for collateralization or other requirements for securing any counterparty's obligations under the agreements; and a system for financial monitoring and periodic assessment of the agreements.

The bill further requires that the terms and conditions of an interest exchange agreement must generally not result in aggregate expected debt service and net exchange payments relating to the agreement in the fiscal year in which the trade is executed being less than those payments that would be payable in that fiscal year if the agreement is not executed; and in aggregate expected debt service and net exchange payments relating to the agreement in subsequent fiscal years exceeding those payments that would be payable in those fiscal years if the agreement is not executed.

The bill requires DOA to issue a semiannual report that includes a description of each agreement; an accounting of amounts that were required to be paid and received on each agreement; any credit enhancement, liquidity facility, or reserves, including an accounting of the costs and expenses incurred by the state; a description

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of the counterparty to each agreement; and a description of the counterparty risk, the termination risk, and other risks associated with each agreement.

Under current law, the Building Commission may issue revenue bonds for major highway projects and transportation administrative facilities. DOT may deposit in a special trust fund vehicle registration fee revenues and other revenues pledged for the repayment of these revenue bonds. Moneys pledged in excess of the amount needed for repayment of these revenue bonds are transferred back to the transportation fund, free of any pledged.

This bill allows DOT to deposit in this trust fund revenues received under an interest exchange agreement and to make payments under an interest exchange agreement, and excludes these amounts from the limit on revenue bonding.

Under the Clean Water Fund Program, the state provides loans to municipalities for projects to control water pollution, including sewage treatment plants. The program is funded from loan repayments, federal grants, state general obligation bonds, and state revenue bonds. The Building Commission may issue revenue bonds for the Clean Water Fund Program in an amount that does not exceed \$1,615,955,000. In addition, the Department of Commerce currently administers a program to reimburse owners of certain petroleum storage tanks for a portion of the costs of cleaning up discharges from those tanks. This program, commonly known as PECFA, is funded from the petroleum inspection fee and state revenue bonds. The Building Commission may issue revenue bonds for PECFA in an amount that does not exceed \$436,000,000.

This bill permits the Building Commission to make payments under an agreement or ancillary arrangement with respect to revenue bonds issued for the funding of these two programs.

The bill requires the secretary of administration to lapse to the general fund or transfer to the general fund from the unencumbered balances of state operations appropriations, other than sum sufficient appropriations and appropriations of federal revenues, an amount equal to \$40,000,000 during each fiscal year of the 2007–09 and 2009–11 fiscal biennia.

Current law requires the State of Wisconsin Investment Board (SWIB) to estimate its operating expenses semi-annually and to assess each fund it manages for its share of the expenses in an equitable manner. SWIB's assessment may not exceed the greater of \$20,352,800 or 0.0275 percent of the average market value of the assets of the funds at the end of each month between November 30 and April 30 of the preceding fiscal year.

This bill requires SWIB, annually on September 1, to assess each such fund for its share of SWIB's operating expenses for the current fiscal year and caps the assessment at the greater of the amount that SWIB could have assessed the funds in the second year of the prior fiscal biennium or 0.0325 percent of the average market value of the assets of the funds at the end of each month between November 30 and April 30 of the preceding fiscal year.

Current statutes contain a rule of proceeding governing legislative action on certain bills that provides that no bill directly or indirectly affecting general purpose revenues (GPR) may be adopted if the bill would cause the estimated general fund

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balance on June 30 of any fiscal year to be less than a certain amount of the total GPR appropriations for that fiscal year. For fiscal year 2007–08, the amount is \$65,000,000; for fiscal year 2008–09, the amount is \$65,000,000; and for each fiscal year thereafter, the amount is 2 percent of total GPR appropriations for that fiscal year.

This bill provides that for fiscal years 2007–08 to 2010–11, the amount is \$130,000,000; and for fiscal year 2011–12 and each fiscal year thereafter, the amount is 2 percent of total GPR appropriations for that fiscal year.

Currently, every fiscal biennium, one–third of all state agencies prepare a base budget review report that contains a description of each programmatic activity of the state agency; an accounting of all expenditures in each of the prior three fiscal years, arranged by revenue source and expenditure category for that state agency; and, for each programmatic activity of the state agency, an accounting of all expenditures, arranged by revenue source and expenditure category in the last two quarters in each of the prior three fiscal years. This bill eliminates the report.

PUBLIC UTILITY REGULATION

Under current law, the PSC must require certain telecommunications providers to make contributions to the universal service fund, which is used for promoting universal telecommunications service and for other specified purposes. The PSC must designate the method for calculating the required contributions. However, current law prohibits the PSC from requiring the telecommunications providers to contribute, in the aggregate, more than \$6,000,000 per fiscal year for promoting universal telecommunications service. This bill eliminates the foregoing prohibition.

Under current law, the PSC has oversight duties with respect to certain energy efficiency and renewable resource programs that are established and funded by investor–owned electric and natural gas utilities. Current law requires the utilities to spend a specified percentage of their annual operating revenues on the programs, as well as on other related programs. The utilities must contract with persons to administer the programs.

This bill uses moneys in the utility public benefits fund (fund) to pay the costs incurred by the PSC in carrying out its oversight duties described above. In each fiscal year, the PSC must collect, for deposit in the fund, each utility’s share, as determined by the PSC, of the PSC’s oversight costs. The bill requires the PSC to collect these amounts from the persons with whom the utilities contract to administer the programs. The amount that the PSC collects with respect to a utility is included in determining whether the utility has spent the required percentage of its annual operating revenues. (The bill does not change the percentage.) The bill also transfers employees from DOA to the PSC to carry out the oversight duties.

OTHER STATE GOVERNMENT

Under current law, DOA performs information technology services for agencies and may charge agencies for these services. This bill authorizes DOA to implement an integrated business information system (IBIS) capable of providing information

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technology services to all agencies and authorities, including the legislature and the courts, in the areas of human resources, procurement, and asset management.

Under current law, unless otherwise empowered by law, no state agency may contract or create any debt or liability against the state in excess of an appropriation of money by the state to pay such debt or liability.

This bill authorizes the creation of liabilities and the expenditure of moneys appropriated for information technology services provided to agencies through IBIS and for printing, mail, communication, and information technology services to state agencies in an additional amount not exceeding the depreciated value of the equipment used to provide information technology services to agencies through IBIS and to provide printing, mail, communication, and information technology services to state agencies respectively.

This bill creates a division of legal services in DOA that is authorized to provide legal services to executive branch agencies. With certain exceptions, the bill transfers all attorney positions and all legal staff positions in executive branch agencies to the Division of Legal Services effective on July 1, 2008. The bill also transfers all positions identified as hearing examiners, hearing officers, or administrative law judges, other than such positions in DWD, to the Division of Hearings and Appeals in DOA. Attorney positions in DOJ, the Office of the State Public Defender, the PSC, the UW System, the Employment Relations Commission, the State of Wisconsin Investment Board, the Government Accountability Board, and the Office of the Governor are exempt from transfer, as are all state employees working in an office of a district attorney. In addition, the bill retains a general counsel or lead attorney position in each major state agency and office.

Under this bill, executive branch agencies that are authorized or required to employ or retain an attorney may do so only in the following ways: (1) employ an attorney in a position authorized by law; (2) contract with DOA for legal services; (3) allow DOJ to furnish legal services if DOJ is required by law to furnish the services; (4) allow or contract with the Division of Hearings and Appeals to furnish legal services if the Division of Hearings and Appeals is required or authorized by law to furnish the services; or (5) employ or retain any attorney who is not a state employee, subject to the approval of the governor.

Currently, state agencies having jurisdiction over state properties may sell the properties under various conditions and limitations if the operation of the properties is not specifically provided for by law. The proceeds of any sales are credited or deposited in various ways as provided by law. Currently, the Building Commission may sell all or any part of a state-owned building or structure or state-owned land if such authority is not provided to another state agency by law. The proceeds of any such sales, after retirement of any outstanding debt on the affected properties, are paid into the budget stabilization fund. However, under a special law enacted in 2005, DOA may offer for sale and sell certain state property if the Building Commission authorizes the property to be offered for sale before July 1, 2007. Under that law, sales may be either on the basis of public bids or negotiated prices, and need not reflect fair market value.

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Under this bill, DOA may offer certain state property for sale if the offer of sale is approved by the Building Commission before July 1, 2009.

Current law requires persons who hold credentials issued by DRL to renew the credentials every two years. Current law specifies the fee for renewing each credential, for issuing an initial credential for which no examination is required, and for issuing a reciprocal credential. Currently, DRL must submit a biennial budget request recalculating the administrative and enforcement costs for each occupation or business DRL regulates, and recommending changes to the fees.

This bill eliminates the specified renewal, initial credential, and reciprocal credential fees. The bill requires DRL to determine the fees for the succeeding fiscal biennium using the methodology currently prescribed for preparing its biennial budget request. DRL must submit a report containing the proposed adjusted fees to JCF for its approval.

Currently, the National and Community Service Board, which is attached to DOA, receives federal funding, receives state funding from state agencies to which the board provides services, and receives funding from gifts, grants, and bequests. This bill directs DOA to annually determine the amount of state funding for administrative support of the board that is required for the board to qualify for federal funding. The bill directs DOA to apportion and assess that amount equally to DOA, DHFS, DPI, and DWD.

TAXATION**PROPERTY TAXATION**

This bill creates a property tax credit for improvements on real property. Under the bill, beginning in 2009, annually \$100,000,000 is distributed to municipalities in amounts that are in the same proportion as the amounts obtained by multiplying the fair market value of the improvements in each municipality by the school tax rate for the municipality. Each municipality then applies the amount it receives to the property tax bills of its property owners, apportioning the amount according to the fair market value of each property owner's improvements, thereby reducing the amount of the property taxes that the property owner must pay on the improvements.

This bill creates a property tax exemption for real property owned by a veterans service organization that is chartered under federal law if the property is necessary for the location and convenience of buildings.

INCOME TAXATION

Current law provides a subtraction from federal adjusted gross income (AGI) for amounts paid by a claimant for tuition to attend certain higher education institutions located in this state or subject to the Minnesota–Wisconsin reciprocity agreement. The subtraction may not exceed twice the average amount charged by the Board of Regents of the UW System at four–year institutions for resident undergraduate tuition for the most recent fall semester. Currently, the maximum allowable subtraction is \$4,536 and is phased out at certain income levels.

This bill increases the maximum allowable subtraction to \$6,000 and expands the subtraction to include mandatory student fees paid to an eligible institution.

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Under current law, an individual may not claim an income tax deduction for college tuition expenses if the source of the payment is an amount withdrawn from either a college tuition and expenses program or a college savings account (commonly known as EdVest I and EdVest II) and the claimant has already claimed a deduction that relates to a contribution to an EdVest I or II account.

Under this bill, an individual may not claim an income tax deduction for college tuition expenses if the source of the payment is an amount withdrawn from either an EdVest I or II account and the owner of the account has already claimed a deduction that relates to a contribution to an EdVest I or II account.

Current law provides an individual income tax deduction for 100 percent of the amount paid by a person for a medical care insurance policy that covers the person and his or her family (his or her spouse and dependents) if the person's employer pays nothing toward the person's medical care insurance. There is a similar deduction for 100 percent of such amounts paid for a policy by a self-employed person and for approximately 33 percent of such amounts paid by a person who has no employer and no self-employment income, although the latter percentage increases to 100 percent for taxable years beginning after December 31, 2008.

This bill creates a phased-in individual income tax deduction for a percentage of the amount that is paid by an individual for a policy that covers the individual and his or her family if the individual's employer pays a portion of the cost of the individual's policy. For taxable year 2008, 10 percent of the amount paid for such a policy may be claimed; for taxable year 2009, 25 percent may be claimed; for taxable year 2010, 45 percent may be claimed; and for taxable year 2011 and thereafter, 100 percent may be claimed.

This bill allows a taxpayer to report to DOR, without paying a penalty or facing criminal prosecution, certain transactions that are devised for the principal purpose of evading or avoiding federal or state income or franchise tax and are required to be reported to the Internal Revenue Service under federal law. In order to avoid penalties and prosecution, a taxpayer must file an amended return with DOR for each taxable year beginning before January 1, 2007, in which the taxpayer participated in the transaction, and pay any additional taxes. The amended return must be filed between October 1, 2007, and December 31, 2007. Apart from the grace period provided under the bill, the bill generally requires taxpayers to report all such transactions to DOR, consistent with the reporting requirements under federal law, and pay all penalties, interest, and additional taxes.

Under this bill, a person may claim an income and franchise tax credit equal to 25 percent of the amount that the person paid in the taxable year to install pumps located in this state that dispense motor vehicle fuel consisting of at least 85 percent ethanol or at least 20 percent biodiesel fuel.

This bill creates an income and franchise tax credit for health care providers in an amount equal to the amount that the health care provider paid in the taxable year for information technology hardware or software that is used to maintain medical records in electronic form.

This bill also creates income and franchise tax credits for amounts paid to modernize or expand a dairy manufacturing operation. Dairy manufacturing means

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processing milk into dairy products or processing dairy products for sale commercially.

This bill exempts from the income tax and the franchise tax all income of a veterans service organization that is chartered under federal law.

Under current law, generally, a taxpayer may claim a credit against the taxpayer's income and franchise tax liability on certain amounts invested in new businesses under the early stage seed investment tax credit or the angel investment tax credit. This bill increases the total amount of all angel investment credits that may be claimed in each calendar year from \$3,000,000 to \$5,500,000 and the total amount of all early stage seed investment credits that may be claimed in each calendar year from \$3,500,000 to \$6,000,000. The bill also increases the amount of the investment that may be used as the basis of an angel investment credit from \$500,000 to \$2,000,000. In addition, the bill requires that any person claiming an angel investment credit or an early stage seed investment credit keep his or her investment in a certified business for at least three years.

Current law authorizes DOR to enter into agreements with the Internal Revenue Service to offset state tax refunds against federal tax obligations and charge a fee for such setoffs, not to exceed \$25 per transaction. In addition, DOR may enter into agreements with other states to offset state tax refunds against the tax obligations of other states. This bill allows DOR to enter into agreements with federally recognized tribes to offset state tax refunds against tribal obligations and charge a fee for such setoffs, not to exceed \$25 per transaction.

Under current law, a partnership, a limited liability company, a tax-option corporation, an estate, or a trust that is treated as a pass-through entity for federal income tax purposes must withhold income or franchise taxes from the income that the entity may distribute to a nonresident partner, member, shareholder, or beneficiary (nonresident). However, a nonresident's share of income from the pass-through entity that is attributable to this state is not included in determining the amount of the withholding tax if the nonresident is exempt from state income and franchise taxes or if the nonresident has no state income other than his or her share of income from the pass-through entity that is attributable to this state and the amount of that income is less than \$1,000.

Under this bill, income excluded from determining the amount of a pass-through entity's withholding taxes includes income of a nonresident who files an affidavit with DOR agreeing to file a state income or franchise tax return and be subject to the personal jurisdiction of DOR, the Tax Appeals Commission, and the courts of this state for the purpose of determining and collecting state income and franchise taxes.

This bill adopts, for state income and franchise tax purposes, certain changes made to the Internal Revenue Code by Public Law 109-7, which excludes qualified disaster mitigation payments from gross income; Public Law 109-58, the Energy Tax Incentives Act; Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act; Public Law 109-73, the Katrina Emergency Tax Relief Act; Public Law 109-135, the Gulf Opportunity Zone Act; Public Law 109-151, the Employee Retirement Preservation Act; Public Law 109-222, the Tax Increase

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Prevention Act; Public Law 109–227, Heroes Earned Retirement Opportunities Act; and Public Law 109–280, the Pension Protection Act.

Under current law, for claims filed in 2001 and thereafter, the homestead tax credit threshold income is \$8,000; the maximum property taxes, or rent constituting property taxes, that a claimant may use in calculating his or her credit are \$1,450; and the maximum household income is \$24,500. As income increases from \$8,000 to \$24,500, the credit is phased out to zero under the current formula; also, the credit is 80 percent of the property taxes accrued or rent constituting property taxes accrued for household income of \$8,000 or less. Using the formula, the credit that may be claimed ranges from \$10 to \$1,160.

Under this bill, for claims filed in 2009 and thereafter, the maximum household income is indexed for inflation. Also under the bill, as a claimant's income exceeds the threshold income amount, the credit is phased out until the credit equals zero when income exceeds the indexed maximum income.

Federal law provides an individual income tax credit for a portion of qualifying child or dependent care expenses that are paid for the purpose of enabling a taxpayer to be gainfully employed. An eligible claimant must maintain a household for a qualifying individual, which is defined as a dependent under the age of 13, a disabled spouse, or another disabled individual who is a dependent of the taxpayer. The amount that may be claimed under the federal credit is based on the amount of allowable employment-related expenses incurred by the claimant. The maximum amount of such expenses under federal law is \$3,000 for one qualifying individual and \$6,000 for more than one qualifying individual.

In calculating Wisconsin AGI, this bill authorizes an individual who claims the federal credit to subtract from federal AGI a certain amount of the expenses claimed by the individual under the federal credit. The amount that may be subtracted is phased in over four years. For nonresidents and part-year residents of this state, the amount of the subtraction is then prorated based on the ratio of the claimant's Wisconsin earned income to total earned income.

Currently, with regard to the endangered resources and local professional football stadium district income tax checkoffs, the secretary of revenue must highlight that place on the income tax return with an appropriate symbol. Under this bill, the requirement applies only to forms printed by DOR.

Under current law, certain types of income received by an individual, which are deductible under federal law when the individual calculates his or her federal AGI, must be added back to federal AGI when an individual calculates his or her Wisconsin AGI.

In calculating Wisconsin AGI, this bill requires that nonresidents and part-year residents add back to federal AGI a portion of certain items that are deductible under federal law, such as the domestic production activities deduction and attorney fees and court costs involving unlawful discrimination claims.

This bill specifies that amounts received by a nonresident of this state under a covenant not to compete is taxable by this state to the extent that the covenant was based on a Wisconsin-based activity.

SENATE BILL 40**OTHER TAXATION**

Currently, if a taxpayer appeals a DOR tax ruling to the Tax Appeals Commission, the taxpayer may deposit the additional taxes DOR claims is due, plus interest, with the secretary of administration while the appeal is pending, and DOR must authorize the secretary to administer the deposit and issue any refund that is due the taxpayer after the appeal concludes. Currently, similar tax assessment and refund issuance procedures also apply to other taxes including the oil and gas severance tax and the cigarette inventory tax.

Under this bill, such deposits are made, and such refunds are issued, by DOR directly, and DOA no longer administers the deposits or issues any refunds.

This bill imposes an assessment on a motor vehicle fuel supplier at the rate of 2.5 percent of the supplier's gross receipts from the first sale of motor vehicle fuel in this state. The supplier may take no action to increase or influence the selling price of motor vehicle fuel in order to recover the amount of the assessment. For the purpose of determining the amount of the assessment, income derived from the first sale in this state of biodiesel fuel or ethanol blended with gasoline to create gasoline consisting of at least 85 percent ethanol is not included in the supplier's gross receipts. The revenue collected from the assessment is deposited into the transportation fund.

This bill adopts the substantive provisions of the streamlined sales and use tax agreement for purposes of administering and collecting state, county, and stadium district sales and use taxes. The agreement is intended to modernize sales and use tax administration for the states that enter into the agreement and to encourage out-of-state retailers to collect the state, county, and stadium district sales and use taxes voluntarily. Under current federal law, generally, an out-of-state retailer who sells tangible personal property or services to customers in this state is not required to collect the sales tax or use tax imposed on such sales, if the retailer has no physical presence in this state. See *Quill v. North Dakota*, 504 U.S. 298; 112 S.Ct. 1904 (1992).

This bill increases the rate of the excise tax imposed on the sale of cigarettes from 77 cents per pack to \$2.02 per pack. The bill also increases the rate of the excise tax imposed on the sale of tobacco products from 25 percent of the manufacturer's list price to distributors to 65.6 percent of the manufacturer's list price to distributors.

Under current law, generally, the conveyance of real property from one person to another is subject to a real estate transfer fee of 30 cents for each \$100 of the conveyance's value. The register of deeds for the county in which the property is located collects the fee at the time that the conveyance is recorded. The register of deeds retains 20 percent of the fee for the county and submits the remainder to the state.

This bill increases the real estate transfer fee to 60 cents for each \$100 of a conveyance's value and requires the register of deeds to submit 90 percent of the fee to the state. Under the bill, the amount of the real estate transfer fee submitted to the state is deposited into the county aid fund. The state pays a portion of the amount paid to counties for circuit court costs out of the county aid fund. The state also pays from the county aid fund a portion of the amount paid to counties as community youth and family aids (generally referred to as youth aids), which are aids paid to

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counties for juvenile delinquency-related services. These costs and aids are currently paid out of the general fund. Beginning in 2008, county aid payments, currently referred to as shared revenue payments, will be paid in part from the county aid fund and in part from the general fund.

This bill creates sales and use tax exemptions for all of the following:

1. Tangible personal property and taxable services that are sold by a home exchange service that is operated by DVA.
2. Machines, equipment, animals, and certain other tangible personal property that are sold to a biotechnology business for use exclusively in research.
3. Machines, equipment, and certain other tangible personal property that are used exclusively in raising animals that are sold primarily to a biotechnology business, a public or private institution of higher education, or a governmental unit for use by any such entity exclusively in research or manufacturing.
4. Catalogs and the envelopes in which the catalogs are mailed.

This bill also modifies the sales and use tax exemption for motion picture film and tape to include radio and television programs. In addition, under the bill, the exemption applies to motion pictures and radio and television programs that are electronically provided to a purchaser.

Under current law, generally, a person may not sell cigarettes in this state without a permit issued by DOR. Current law also prohibits a direct marketer from selling cigarettes to consumers in this state unless the direct marketer fulfills certain requirements. Current law defines direct marketing as publishing or making accessible an offer for the sale of cigarettes to consumers in this state, or selling cigarettes, using any means by which the consumer is not physically present on a premise that sells cigarettes.

Under this bill, generally, the same provisions that apply to the direct marketing of cigarettes under current law also apply to the direct marketing of tobacco products. In addition, no person may sell cigarettes or tobacco products to consumers in this state unless the person applies to DOR for a permit.

This bill increases the fee imposed on dry cleaning facilities from 1.8 percent of the gross receipts from the previous three months from dry cleaning apparel and household fabrics to 2.8 percent of such gross receipts.

This bill allows DOR to charge a filing fee for sales tax returns that are submitted to DOR on paper.

TRANSPORTATION**HIGHWAYS**

Current law includes provisions applicable to southeast Wisconsin freeway rehabilitation projects, including the Marquette interchange reconstruction project. Under current law, DOT may contract up to \$213,100,000 in public debt for the Marquette interchange reconstruction project. DOT generally may not expend moneys, other than bonding proceeds, for any southeast Wisconsin freeway rehabilitation project that involves adding lanes five miles or more in length to an existing freeway absent enumeration of the project by the legislature. Currently no such projects are enumerated.

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This bill enumerates two projects: the Zoo interchange project in Milwaukee County and the I 94 north-south corridor project in southeastern Wisconsin. The bill also increases from \$213,100,000 to \$303,300,000 the general obligation bonding limit and allows proceeds from this bonding also to be used to fund the I 94 north-south corridor project.

Under current law, the Building Commission may issue revenue bonds for major highway projects and transportation administrative facilities in a principal amount that, with certain exclusions, may not exceed \$2,324,377,900. This bill increases the revenue bond limit from \$2,324,377,900 to \$2,708,341,000.

Under current law, debt service on certain public debt for major highway projects and state highway rehabilitation projects is paid from the general fund. This bill pays some or all of this debt service from the transportation fund.

DRIVERS AND MOTOR VEHICLES

This bill incorporates into state law the requirements contained in the federal REAL ID Act necessary for federal agencies to recognize for an official purpose operator's licenses and identification cards issued by this state. Under the act, an official purpose includes accessing federal facilities, boarding federally regulated commercial aircraft, and any other purpose identified by the federal Department of Homeland Security (DHS).

Under this bill, DOT may not, after May 10, 2008, issue or renew an operator's license or identification card unless the applicant presents, and DOT verifies, all of the following information:

1. An identification document that includes either the applicant's photograph or both the applicant's full legal name and date of birth.
2. Documentation showing the applicant's date of birth.
3. Proof of the applicant's social security number or verification that the applicant is not eligible for a social security number.
4. Documentation showing the applicant's name and address of principal residence.
5. Valid documentary proof that the individual is a citizen or national of the United States or an alien lawfully admitted for permanent or temporary residence in the United States.

In processing the application for an operator's license or identification card, DOT must capture and retain for at least ten years a digital image of each document presented. DOT must verify each document presented in the manner and to the extent required under federal law. DOT must record in the applicant's file or record the date on which verification is completed.

This bill creates a \$10 federal security verification mandate fee that must be paid to DOT for the issuance, renewal, upgrading, or reinstatement of any operator's license, endorsement, instruction permit, or identification card.

For certain noncitizen applicants who present specified forms of status or authorization of legal presence in the United States, the bill requires DOT to issue operator's licenses or identification cards displaying a legend identifying the license as temporary. Such a license or identification card may not be renewed unless the applicant presents valid documentary proof that DHS extended the status by which

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the applicant qualified for the license or identification card. Under current law, an operator's license or identification card issued to a noncitizen generally expires on the date the person's legal presence in the United States is no longer authorized. Under the bill, under certain circumstances, a temporary operator's license or identification card issued to a noncitizen expires one year after issuance.

The bill specifies that every operator's license and identification card must include a digital color photograph of the applicant and that an applicant who does not provide a social security number must provide the basis for his or her ineligibility for a social security number.

Under current law, upon request, DOT must provide to the commercial driver license information system and the driver licensing agencies of other states any applicant or driver record information maintained by DOT. This bill specifies that upon request, DOT must provide to any driver licensing agency of another state electronic access to any record or file of an operator's license or identification card applicant, including any photograph, signature, or social security number appearing in such a record or file. Also, DOT may provide to DHFS certain applicant information for the sole purpose of verification by DHFS of birth certificate information.

The bill requires DOT to record in each licensee's operating record, and in each identification card holder's record, the information in all data fields printed on the person's license or card.

The bill requires DOT to implement certain security procedures with regard to the issuance of operator's licenses and identification cards. The bill provides for DOT to perform background investigations on employees or new hires in its Division of Motor Vehicles (DMV). Before allowing a person to access an information system maintained by DMV, DOT must require the person's employer to conduct a background investigation. DOT may use the results of the investigation to deny or restrict access to DMV information.

Under current law, to renew most operator's licenses, DOT must administer an examination of the applicant's eyesight and provide for giving eyesight examinations at examining stations in each county. The applicant generally must appear at the examining station nearest his or her residence. Under this bill, DOT eyesight examinations at examining stations are not required to be provided in each county, and the applicant need not appear at the examining station nearest his or her residence.

The bill extends the valid period for an identification card from four years to eight years.

This bill increases the annual fee for registering an automobile from \$55 to \$75 and increases the annual fee for registering a motor truck or dual purpose motor home that weighs not more than 4,500 pounds from \$48.50 to \$75, for a vehicle that weighs not more than 6,000 pounds from \$61.50 to \$84, and for a vehicle that weighs not more than 8,000 pounds from \$77.50 to \$106.

This bill requires DOT to enter into the national Driver License Agreement (DLA) that establishes standards for the treatment and exchange of driver licensing and conviction information and other data pertinent to the licensing process. The

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DLA requires participating states to recognize certain kinds of violations relating mostly to operating motor vehicles and the administrative actions taken in response to those violations, such as suspension or revocation of a person's operating privilege (DLA Code violations). Under the DLA, when a person who is licensed in one state that is a party to the DLA commits a DLA Code violation in another party state, the licensing state takes administrative action in response to the violation, based on information provided by the state in which the violation occurred. Administrative action by a party state is recognized by all other party states. The DLA also generally provides that records concerning a licensed driver are maintained only by the licensing state.

This bill requires DOT to identify by rule the violations and administrative actions under this state's laws that the DLA requires to be recognized as DLA Code violations and that describe the equivalent violations and administrative actions under the laws of other member states that DOT must recognize as DLA Code violations when the offense is not committed in this state.

Current law allows or requires DOT or a court, in a variety of circumstances, to suspend or revoke the operating privilege of any person, whether a resident or nonresident, who commits specified offenses in this state. In addition, in a variety of circumstances, current law allows or requires DOT to suspend or revoke the operating privilege of a resident for committing specified offenses in other jurisdictions and allows or requires DOT or a court to treat convictions in other jurisdictions as prior offenses. DOT may or must suspend or revoke the operating privilege of a nonresident, except with respect to a commercial driver license (CDL), upon receiving notice of a conviction for certain offenses in another jurisdiction.

To correspond to the state's joinder of the DLA, this bill substantially modifies the procedure for DOT's administrative suspensions and revocations of motor vehicle operating privileges. Under the bill, DOT may generally suspend or revoke the operating privilege only of persons who hold an operator's license issued by DOT or who are residents of this state and do not hold an operator's license issued by another jurisdiction (Wisconsin licensees or residents). A nonresident who commits a violation in this state is generally subject to the penalty provided for the violation except that, in lieu of suspension or revocation of the nonresident's operating privilege in this state, notice is provided to the person's state of licensure or residency. However, if the nonresident's state of licensure or residency is not a DLA state, or if the offense is not a DLA code violation, DOT may suspend or revoke the nonresident's operating privilege. The bill also allows certain offenses committed in other jurisdictions that, if committed in this state, would have been violations in this state to be grounds for suspension or revocation by DOT and to be counted as prior violations for purposes of court-ordered suspensions or revocations.

Under the bill, although a nonresident is technically disqualified as a matter of law from operating a commercial motor vehicle (CMV) upon conviction of specified offenses related to a CMV or CDL, the nonresident is not ordered administratively disqualified by DOT, and DOT does not record the disqualification of the nonresident in DOT's driver records unless required to do so by federal law. If DOT receives a record of conviction of a nonresident for an offense not required by federal law to be

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recorded in DOT's records, DOT must provide notice of the conviction and disqualification as a matter of law to the person's jurisdiction of licensure or residency. The bill also adds certain convictions in other jurisdictions that may result in disqualification. The bill allows certain offenses committed in other jurisdictions to be grounds for disqualification if they would have been violations in this state had they been committed in this state.

This bill also modifies, to correspond to the state's joinder of the DLA, DOT's procedures for maintaining driver records. Under the bill, in most circumstances, DOT must maintain a driver record only for persons who are Wisconsin licensees or residents. For such persons, DOT must maintain in the driver record any notice received from another jurisdiction of the revocation, suspension, or cancellation of the person's operating privilege in that jurisdiction. Rather than maintain a driver record for nonresidents, DOT must forward any record of conviction (as required under current law) or notice of any administrative action, including suspension or revocation of an operating privilege or disqualification by DOT, or of any test results, out-of-service order, or DOT hearing results related to driving or operating a motor vehicle while under the influence of an intoxicant, to the nonresident's state of licensure or residency.

Upon receiving notice that a Wisconsin licensee or resident has applied for an operator's license or transferred residency to another jurisdiction, DOT must transfer the person's driver record information to the other jurisdiction if the jurisdiction is a member of the DLA or if the jurisdiction accepts responsibility for maintaining the person's driver record. With two exceptions, DOT may not thereafter update the person's driver record unless required by federal law. If a person licensed in another jurisdiction applies for an operator's license in this state, DOT must request that the person's driver record be transferred from the other jurisdiction.

This bill also alters certain requirements related to issuance of an operator's license to a person moving to this state from another state.

This bill eliminates the requirements that DOT establish new designs for vehicle registration plates and reissue registration plates on an established schedule.

Under current law, DOT administers, in a manner provided under federal law, a single-state insurance registration system for for-hire motor carriers allowing interstate carriers to register in, and pay applicable fees to, a single state with regard to proof of motor carrier insurance requirements. Under federal law, the single-state insurance registration system is scheduled to be repealed and replaced by a unified carrier registration system.

This bill authorizes DOT to participate in the new unified carrier registration system and to impose registration fees on all motor carriers, including private motor carriers.

Current law requires DOT to conduct a motor vehicle emission inspection and maintenance program (I/M program) in counties where air quality does not meet certain federal standards. Under the I/M program, most motor vehicles that are subject to emission limitations established by DNR must pass periodic emission

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inspections and may not be registered by DOT unless they have passed these inspections. Certain motor vehicles are exempt from emission inspections. DOT is required to contract with third parties to perform vehicle emission inspections under the I/M program.

This bill exempts from emission inspections vehicles of model year 1967 to model year 1995, vehicles of model year 2007 or later that weigh between 10,001 pounds and 14,000 pounds, and vehicles of model year 2007 or later that are powered by diesel fuel. The bill also allows DOT to authorize or require third-party contractors to install and operate self-service inspection stations, at which the contractor may use different methods for emissions testing and equipment inspection than those used at inspection stations that are not self-service. The bill allows DOT to establish additional methods for emissions inspections.

Current law requires an environmental impact fee of \$9 when a person registers a new motor vehicle or applies for a new certificate of title after transferring a vehicle. The environmental impact fee is credited to the environmental fund, and expires on December 31, 2007. This bill eliminates the expiration date.

Under current law, a person convicted of certain violations relating to operating a vehicle while intoxicated must pay a driver improvement surcharge of \$355 in addition to any applicable forfeiture or fine, assessments, and costs. However, the surcharge does not apply to a person who commits a first violation of operating a vehicle with a prohibited blood alcohol concentration of 0.08 or more but less than 0.1 at the time of the violation.

This bill removes the exemption for first time offenders.

TRANSPORTATION AIDS

Under current law, DOT makes general transportation aids payments to a county based on a share-of-costs formula, and to a village, city, or town (municipality) based on the greater of a share-of-costs formula for municipalities or an aid rate per mile, which is \$1,862 for 2006 and \$1,899 for 2007 and thereafter. This bill increases the aid rate per mile to \$1,937 for 2008 and \$1,976 for 2009 and thereafter.

This bill increases the maximum amount of general transportation aids that may be paid to counties from \$93,682,400 in 2007 to \$95,556,000 in 2008 and \$97,467,100 in 2009 and thereafter. The bill also increases the maximum amount of aid that may be paid to municipalities from \$294,736,000 in 2007 to \$300,630,700 in 2008 and \$306,643,300 in 2009 and thereafter.

Under current law, DOT provides state aid to local public bodies in urban areas served by mass transit systems to assist with the expenses of operating those systems. This bill increases the total amount of state aid for mass transit systems.

This bill creates a Safe Routes to School Program to promote children walking or riding bicycles to school and to increase the safety and reduce traffic in the vicinity of schools. The program must be consistent with the federal Safe Routes to School Program and incorporate regulations under that federal law.

Under current law, DOT administers a Local Roads Improvement Program, which includes an entitlement component and a nonentitlement component. This

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bill increases DOT's allocations for the nonentitlement component. The bill also requires DOT to award a grant of \$60,000 from nonentitlement moneys.

RAIL AND AIR TRANSPORTATION

Under current law, DOT administers a Rail Passenger Route Development Program to, in part, fund capital costs related to Amtrak service extension routes or other rail service routes between Milwaukee and Madison and between Milwaukee and Green Bay. This bill expands the program to include routes between Chicago and Milwaukee and between Madison and La Crosse. The bill also increases general obligation bonding authority for the program from \$50,000,000 to \$82,000,000.

Under current law, DOT may contract up to \$44,500,000 in public debt for the acquisition and improvement of rail property. This bill increases the limit to \$66,500,000.

OTHER TRANSPORTATION

Under current law, DOT collects a supplemental vehicle title fee of \$7.50, which is deposited into the transportation fund. An amount equal to the amount of the supplemental fees collected is transferred from the general fund to the environmental fund each year. This bill increases the supplemental vehicle title fee from \$7.50 to \$9.50 and transfers the fees collected from the transportation fund to the environmental fund.

The law governing repair, replacement, and refund under a motor vehicle warranty is known as the "lemon law." This bill creates a four-year statute of limitations for vehicle manufacturers to request a refund of sales tax on vehicles returned to them under the lemon law. The bill also creates a four-year statute of limitations for vehicle lessors or purchasers to request a sales tax refund from DOR when they have obtained from the manufacturer, under the lemon law, a refund of the purchase price but not the sales tax paid on the vehicle. The bill provides that vehicle manufacturers, lessors, and purchasers receive 9 percent interest on the sales tax refunded to them.

Under current law, DOT may contract up to \$40,700,000 in public debt to provide grants for harbor improvements. This bill increases the limit to \$53,400,000.

VETERANS AND MILITARY AFFAIRS

This bill allows DVA to transfer up to \$7,000,000 during the 2007–09 fiscal biennium from the DVA appropriation for institutional operations to the veterans trust fund if there is money in that appropriation in excess of the amount needed to care for members of the veterans homes.

Under current law, to be eligible for burial at one of the state veteran's cemeteries, a veteran must meet certain conditions, including having been discharged or released from active duty in the U.S. armed forces under honorable conditions. This bill changes the conditions of discharge or release to being discharged under conditions other than dishonorable. An honorable discharge is given to a person who has served without any misconduct. A person may receive a discharge under conditions other than dishonorable if he or she engaged in misconduct that was not serious enough to warrant a dishonorable discharge.

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This bill allows DVA to provide an annual payment of \$25,000 for two years to the Center for Veteran Issues to provide outreach services to homeless veterans.

This bill increases the authorized bonding authority of DVA to make mortgage loans from \$2,120,840,000 to \$2,170,840,000.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 6.47 (1) (ag) of the statutes is amended to read:

2 6.47 (1) (ag) “Domestic abuse victim service provider” means an organization
3 that is certified by the department of ~~health and family services~~ children and families
4 as eligible to receive grants under s. ~~46.95~~ 49.165 (2) and whose name is included on
5 the list provided by the board under s. 7.08 (10).

6 **SECTION 2.** 7.08 (10) of the statutes is amended to read:

7 **7.08 (10)** DOMESTIC ABUSE AND SEXUAL ASSAULT SERVICE PROVIDERS. Provide to
8 each municipal clerk, on a continuous basis, the names and addresses of
9 organizations that are certified under s. ~~46.95~~ 49.165 (4) or 165.93 (4) to provide
10 services to victims of domestic abuse or sexual assault.

11 **SECTION 3.** 7.33 (4) of the statutes is amended to read:

12 **7.33 (4)** Except as otherwise provided in this subsection, each local
13 governmental unit, as defined in s. 16.97 (7), may, and each state agency shall, upon
14 proper application under sub. (3), permit each of its employees to serve as an election
15 official under s. 7.30 without loss of fringe benefits or seniority privileges earned for
16 scheduled working hours during the period specified in sub. (3), without loss of pay

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1 for scheduled working hours during the period specified in sub. (3) except as provided
2 in sub. (5), and without any other penalty. For employees who are included in a
3 collective bargaining unit for which a representative is recognized or certified under
4 subch. V or VI of ch. 111, this subsection shall apply unless otherwise provided in a
5 collective bargaining agreement.

6 **SECTION 4.** 13.101 (6) (a) of the statutes is amended to read:

7 13.101 **(6)** (a) As an emergency measure necessitated by decreased state
8 revenues and to prevent the necessity for a state tax on general property, the
9 committee may reduce any appropriation made to any board, commission,
10 department, or the University of Wisconsin System, or to any other state agency or
11 activity, by such amount as it deems feasible, not exceeding 25% of the
12 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
13 ~~(er)~~ (vr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),
14 (aq), (ar), and (au), 20.435 (6) (a) and (7) (da), and 20.445 (3) (a) and (dz) or for forestry
15 purposes under s. 20.370 (1), or any other moneys distributed to any county, city,
16 village, town, or school district. Appropriations of receipts and of a sum sufficient
17 shall for the purposes of this section be regarded as equivalent to the amounts
18 expended under such appropriations in the prior fiscal year which ended June 30.
19 All functions of said state agencies shall be continued in an efficient manner, but
20 because of the uncertainties of the existing situation no public funds should be
21 expended or obligations incurred unless there shall be adequate revenues to meet the
22 expenditures therefor. For such reason the committee may make reductions of such
23 appropriations as in its judgment will secure sound financial operations of the
24 administration for said state agencies and at the same time interfere least with their
25 services and activities.

SENATE BILL 40**SECTION 5**

1 **SECTION 5.** 13.101 (6) (a) of the statutes, as affected by 2007 Wisconsin Act ...
2 (this act), is amended to read:

3 13.101 **(6)** (a) As an emergency measure necessitated by decreased state
4 revenues and to prevent the necessity for a state tax on general property, the
5 committee may reduce any appropriation made to any board, commission,
6 department, or the University of Wisconsin System, or to any other state agency or
7 activity, by such amount as it deems feasible, not exceeding 25% of the
8 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and
9 (vr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),
10 (aq), (ar), and (au), 20.435 (6) (a) and (7) (da), and ~~20.445 (3)~~ 20.437 (2) (a) and (dz)
11 or for forestry purposes under s. 20.370 (1), or any other moneys distributed to any
12 county, city, village, town, or school district. Appropriations of receipts and of a sum
13 sufficient shall for the purposes of this section be regarded as equivalent to the
14 amounts expended under such appropriations in the prior fiscal year which ended
15 June 30. All functions of said state agencies shall be continued in an efficient
16 manner, but because of the uncertainties of the existing situation no public funds
17 should be expended or obligations incurred unless there shall be adequate revenues
18 to meet the expenditures therefor. For such reason the committee may make
19 reductions of such appropriations as in its judgment will secure sound financial
20 operations of the administration for said state agencies and at the same time
21 interfere least with their services and activities.

22 **SECTION 6.** 13.111 (2) of the statutes is amended to read:

23 13.111 **(2)** DUTIES. The joint committee on employment relations shall perform
24 the functions assigned to it under ~~subch.~~ subchs. V and VI of ch. 111, subch. II of ch.
25 230 and ss. 16.53 (1) (d) 1., 20.916, 20.917, 20.923 and 40.05 (1) (b).

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1 **SECTION 7.** 13.172 (1) of the statutes is amended to read:

2 13.172 **(1)** In this section, “agency” means an office, department, agency,
3 institution of higher education, association, society, or other body in state
4 government created or authorized to be created by the constitution or any law, that
5 is entitled to expend moneys appropriated by law, including the legislature and the
6 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 149 or in
7 ch. 231, 233, ~~or 234,~~ or 238.

8 **SECTION 8.** 13.48 (13) (a) of the statutes is amended to read:

9 13.48 **(13)** (a) Except as provided in par. (b) or (c), every building, structure or
10 facility that is constructed for the benefit of or use of the state, any state agency,
11 board, commission or department, the University of Wisconsin Hospitals and Clinics
12 Authority, the Fox River Navigational System Authority, the Healthy Wisconsin
13 Authority or any local professional baseball park district created under subch. III
14 of ch. 229 if the construction is undertaken by the department of administration on
15 behalf of the district, shall be in compliance with all applicable state laws, rules,
16 codes and regulations but the construction is not subject to the ordinances or
17 regulations of the municipality in which the construction takes place except zoning,
18 including without limitation because of enumeration ordinances or regulations
19 relating to materials used, permits, supervision of construction or installation,
20 payment of permit fees, or other restrictions.

21 **SECTION 9.** 13.48 (14) (a) of the statutes is amended to read:

22 13.48 **(14)** (a) In this subsection, “agency” has the meaning given for “state
23 agency” in s. 20.001 (1), except that during the period prior to July 1, 2007, and the
24 period beginning on the effective date of this paragraph [revisor inserts date], and

SENATE BILL 40**SECTION 9**

1 ending on June 30, 2009, the term does not include the Board of Regents of the
2 University of Wisconsin System.

3 **SECTION 10.** 13.62 (2) of the statutes is amended to read:

4 13.62 (2) “Agency” means any board, commission, department, office, society,
5 institution of higher education, council, or committee in the state government, or any
6 authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 232, 233,
7 234, ~~or 237~~, or 238, except that the term does not include a council or committee of
8 the legislature.

9 **SECTION 11.** 13.63 (1) (am) of the statutes is amended to read:

10 13.63 (1) (am) If an individual who applies for a license under this section does
11 not have a social security number, the individual, as a condition of obtaining that
12 license, shall submit a statement made or subscribed under oath or affirmation to the
13 board that the individual does not have a social security number. The form of the
14 statement shall be prescribed by the department of ~~workforce development~~ children
15 and families. A license issued in reliance upon a false statement submitted under
16 this paragraph is invalid.

17 **SECTION 12.** 13.63 (1) (b) of the statutes is amended to read:

18 13.63 (1) (b) Except as provided under par. (am), the board shall not issue a
19 license to an applicant who does not provide his or her social security number. The
20 board shall not issue a license to an applicant or shall revoke any license issued to
21 a lobbyist if the department of revenue certifies to the board that the applicant or
22 lobbyist is liable for delinquent taxes under s. 73.0301. The board shall refuse to
23 issue a license or shall suspend any existing license for failure of an applicant or
24 licensee to pay court-ordered payments of child or family support, maintenance,
25 birth expenses, medical expenses or other expenses related to the support of a child

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1 or former spouse or failure of an applicant or licensee to comply, after appropriate
2 notice, with a subpoena or warrant issued by the department of workforce
3 development children and families or a county child support agency under s. 59.53
4 (5) and related to paternity or child support proceedings, as provided in a
5 memorandum of understanding entered into under s. 49.857. No application may
6 be disapproved by the board except an application for a license by a person who is
7 ineligible for licensure under this subsection or s. 13.69 (4) or an application by a
8 lobbyist whose license has been revoked under this subsection or s. 13.69 (7) and only
9 for the period of such ineligibility or revocation.

10 **SECTION 13.** 13.64 (2) of the statutes is amended to read:

11 13.64 (2) The registration shall expire on December 31 of each even-numbered
12 year. Except as provided in sub. (2m), the board shall refuse to accept a registration
13 statement filed by an individual who does not provide his or her social security
14 number. The board shall refuse to accept a registration statement filed by an
15 individual or shall suspend any existing registration of an individual for failure of
16 the individual or registrant to pay court-ordered payments of child or family
17 support, maintenance, birth expenses, medical expenses or other expenses related
18 to the support of a child or former spouse or failure of the individual or registrant to
19 comply, after appropriate notice, with a subpoena or warrant issued by the
20 department of ~~workforce development~~ children and families or a county child
21 support agency under s. 59.53 (5) and related to paternity or child support
22 proceeding, as provided in a memorandum of understanding entered into under s.
23 49.857. If all lobbying by or on behalf of the principal which is not exempt under s.
24 13.621 ceases, the board shall terminate the principal's registration and any
25 authorizations under s. 13.65 as of the day after the principal files a statement of

SENATE BILL 40**SECTION 13**

1 cessation and expense statements under s. 13.68 for the period covering all dates on
2 which the principal was registered. Refusal to accept a registration statement or
3 suspension of an existing registration pursuant to a memorandum of understanding
4 under s. 49.857 is not subject to review under ch. 227.

5 **SECTION 14.** 13.64 (2m) of the statutes is amended to read:

6 13.64 **(2m)** If an individual who applies for registration under this section does
7 not have a social security number, the individual, as a condition of obtaining
8 registration, shall submit a statement made or subscribed under oath or affirmation
9 to the board that the individual does not have a social security number. The form of
10 the statement shall be prescribed by the department of ~~workforce development~~
11 children and families. A registration accepted in reliance upon a false statement
12 submitted under this subsection is invalid.

13 **SECTION 15.** 13.83 (3) (f) (intro.) of the statutes is amended to read:

14 13.83 **(3)** (f) (intro.) The special committee shall be assisted by a technical
15 advisory committee composed of ~~7~~ 8 members representing the following:

16 **SECTION 16.** 13.83 (3) (f) 2m. of the statutes is created to read:

17 13.83 **(3)** (f) 2m. The department of children and families.

18 **SECTION 17.** 13.83 (4) (a) 9. of the statutes is repealed.

19 **SECTION 18.** 13.94 (4) (a) 1. of the statutes is amended to read:

20 13.94 **(4)** (a) 1. Every state department, board, examining board, affiliated
21 credentialing board, commission, independent agency, council or office in the
22 executive branch of state government; all bodies created by the legislature in the
23 legislative or judicial branch of state government; any public body corporate and
24 politic created by the legislature including specifically the Fox River Navigational
25 System Authority and the Wisconsin Aerospace Authority, a professional baseball

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1 park district, a local professional football stadium district, a local cultural arts
2 district and a family long-term care district under s. 46.2895; every Wisconsin works
3 agency under subch. III of ch. 49; every provider of medical assistance under subch.
4 IV of ch. 49; technical college district boards; development zones designated under
5 s. 560.71; every county department under s. 51.42 or 51.437; every nonprofit
6 corporation or cooperative or unincorporated cooperative association to which
7 moneys are specifically appropriated by state law; and every corporation, institution,
8 association or other organization which receives more than 50% of its annual budget
9 from appropriations made by state law, including subgrantee or subcontractor
10 recipients of such funds.

11 **SECTION 19.** 13.94 (4) (b) of the statutes is amended to read:

12 13.94 (4) (b) In performing audits of family long-term care districts under s.
13 46.2895, Wisconsin works agencies under subch. III of ch. 49, providers of medical
14 assistance under subch. IV of ch. 49, corporations, institutions, associations, or other
15 organizations, and their subgrantees or subcontractors, the legislative audit bureau
16 shall audit only the records and operations of such providers and organizations
17 which pertain to the receipt, disbursement or other handling of appropriations made
18 by state law.

19 **SECTION 20.** 13.95 (intro.) of the statutes is amended to read:

20 **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be
21 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau
22 shall be strictly nonpartisan and shall at all times observe the confidential nature
23 of the research requests received by it; however, with the prior approval of the
24 requester in each instance, the bureau may duplicate the results of its research for
25 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s

SENATE BILL 40**SECTION 20**

1 designated employees shall at all times, with or without notice, have access to all
2 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the
3 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
4 the Healthy Wisconsin Authority, and the Fox River Navigational System Authority,
5 and to any books, records, or other documents maintained by such agencies or
6 authorities and relating to their expenditures, revenues, operations, and structure.

7 **SECTION 21.** 14.18 of the statutes is amended to read:

8 **14.18 Assistance from department of ~~workforce development~~ children**
9 **and families.** The governor may enter into a cooperative arrangement with the
10 department of ~~workforce development~~ children and families under which the
11 department assists the governor in providing temporary assistance for needy
12 families under 42 USC 601 et. seq.

13 **SECTION 22.** 14.83 of the statutes is amended to read:

14 **14.83 Interstate insurance receivership commission.** There is created an
15 interstate insurance receivership commission as specified in s. 601.59 (3). The
16 member of the commission representing this state shall be the commissioner of
17 insurance or his or her designated representative. The commission member shall
18 serve without compensation but shall be reimbursed from the appropriation under
19 s. 20.145 (1) (g) 1, for actual and necessary expenses incurred in the performance of
20 his or her duties. The commission has the powers and duties granted and imposed
21 under s. 601.59.

22 **SECTION 23.** 14.90 (3) of the statutes is repealed.

23 **SECTION 24.** 15.01 (2) of the statutes is amended to read:

24 15.01 **(2)** “Commission” means a 3-member governing body in charge of a
25 department or independent agency or of a division or other subunit within a

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1 department, except for the Wisconsin waterways commission which shall consist of
2 5 members and the parole earned release review commission which shall consist of
3 8 members. A Wisconsin group created for participation in a continuing interstate
4 body, or the interstate body itself, shall be known as a “commission”, but is not a
5 commission for purposes of s. 15.06. The parole earned release review commission
6 created under s. 15.145 (1) shall be known as a “commission”, but is not a commission
7 for purposes of s. 15.06. ~~The sentencing commission created under s. 15.105 (27)~~
8 ~~shall be known as a “commission” but is not a commission for purposes of s. 15.06 (1)~~
9 ~~to (4m), (7), and (9).~~

10 **SECTION 25.** 15.01 (6) of the statutes is amended to read:

11 15.01 (6) “Division,” “bureau,” “section” and “unit” means the subunits of a
12 department or an independent agency, whether specifically created by law or created
13 by the head of the department or the independent agency for the more economic and
14 efficient administration and operation of the programs assigned to the department
15 or independent agency. The office of justice assistance in the department of
16 administration, the office of the Wisconsin Covenant Scholars Program in the
17 department of administration, and the office of credit unions in the department of
18 financial institutions have the meaning of “division” under this subsection. The
19 office of the long-term care ombudsman under the board on aging and long-term
20 care and the office of educational accountability in the department of public
21 instruction have the meaning of “bureau” under this subsection.

22 **SECTION 26.** 15.02 (3) (c) 1. of the statutes is amended to read:

23 15.02 (3) (c) 1. The principal subunit of the department is the “division”. Each
24 division shall be headed by an “administrator”. The office of justice assistance in the
25 department of administration, the office of the Wisconsin Covenant Scholars

SENATE BILL 40**SECTION 26**

1 Program in the department of administration, and the office of credit unions in the
2 department of financial institutions have the meaning of “division” and the executive
3 staff director of the office of justice assistance in the department of administration,
4 the director of the office of the Wisconsin Covenant Scholars Program in the
5 department of administration, and the director of credit unions have the meaning of
6 “administrator” under this subdivision.

7 **SECTION 27.** 15.04 (4) of the statutes is created to read:

8 15.04 (4) LEGAL SERVICES. If a department or independent agency is authorized
9 or required to employ or retain an attorney, the department or independent agency
10 may do so only in the following ways:

11 (a) Employ an attorney in a position authorized under s. 16.505.

12 (b) Contract with the department of administration for legal services under s.
13 16.004 (15).

14 (c) Allow the department of justice to furnish legal services if the department
15 of justice is required by law to furnish the services.

16 (d) 1. Allow the division of hearings and appeals created under s. 15.103 (1) to
17 furnish legal services if the division of hearings and appeals is required or authorized
18 by law to furnish the services.

19 2. Contract under s. 227.43 (1m) for contested case hearing services with the
20 division of hearings and appeals if the department or independent agency is not
21 prohibited by law to do so.

22 (e) Employ or retain any attorney who is not a state employee, subject to s.
23 20.930.

24 **SECTION 28.** 15.06 (6) of the statutes is amended to read:

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1 15.06 (6) QUORUM. A majority of the membership of a commission constitutes
2 a quorum to do business, except that vacancies shall not prevent a commission from
3 doing business. This subsection does not apply to the parole earned release review
4 commission.

5 **SECTION 29.** 15.07 (2) (k) of the statutes is created to read:

6 15.07 (2) (k) The secretary of health and family services, or his or her designee,
7 shall serve as chairperson of the health care quality and patient safety council and
8 shall appoint chairpersons for subcommittees on patient care, consumer interest and
9 privacy, public health, and statewide health information exchange and
10 interoperability.

11 **SECTION 30.** 15.07 (2) (m) of the statutes is created to read:

12 15.07 (2) (m) The member appointed under s. 15.345 (6) (a) shall serve as
13 chairperson of the managed forest land board.

14 **SECTION 31.** 15.103 (1g) of the statutes is created to read:

15 15.103 (1g) DIVISION OF LEGAL SERVICES. There is created in the department of
16 administration a division of legal services. The administrator of the division shall
17 be appointed by the secretary of administration in the unclassified service.

18 **SECTION 32.** 15.104 of the statutes is created to read:

19 **15.104 Same; offices. (1) OFFICE OF THE WISCONSIN COVENANT SCHOLARS**
20 **PROGRAM.** There is created an office of the Wisconsin Covenant Scholars Program in
21 the department of administration. The director of the office shall be appointed by the
22 secretary of administration.

23 **SECTION 33.** 15.105 (19) of the statutes is renumbered 15.105 (19) (a).

24 **SECTION 34.** 15.105 (19) (b) of the statutes is created to read:

SENATE BILL 40**SECTION 34**

1 15.105 **(19)** (b) There is created in the office of justice assistance a bureau of
2 criminal justice research.

3 **SECTION 35.** 15.105 (27) of the statutes is repealed.

4 **SECTION 36.** 15.107 (18) of the statutes is created to read:

5 15.107 **(18)** TRUTH-IN-SENTENCING PHASE II COUNCIL. (a) *Creation.* There is
6 created in the department of administration a council called the
7 truth-in-sentencing phase II council that shall consist of the following members:

8 1. The state public defender or his or her designee.

9 2. One majority party member and one minority party member from each house
10 of the legislature, appointed as are the members of standing committees in their
11 respective houses.

12 3. One district attorney appointed by the governor.

13 4. Three individuals, appointed by the governor.

14 5. One representative of crime victims, appointed by the governor.

15 6. One circuit judge, appointed by the supreme court.

16 (b) *Officers.* The governor shall designate annually one of the members of the
17 council as chairperson. The council may elect officers other than a chairperson from
18 among its members as its work requires.

19 (c) *Reimbursement and compensation.* Members of the council shall be
20 reimbursed for their actual and necessary expenses incurred in the performance of
21 their duties. An officer or employee of the state shall be reimbursed by the agency
22 that pays the member's salary. Members who are full-time state officers or
23 employees shall receive no compensation for their services. Other members shall be
24 paid \$25 per day, in addition to their actual and necessary expenses, for each day on
25 which they are actually and necessarily engaged in the performance of their duties.

SENATE BILL 40

1 (d) *Sunset*. This subsection does not apply after January 31, 2008.

2 **SECTION 37.** 15.145 (1) of the statutes is amended to read:

3 15.145 (1) ~~PAROLE~~ EARNED RELEASE REVIEW COMMISSION. There is created in the
4 department of corrections -a parole an earned release review commission consisting
5 of 8 members. Members shall have knowledge of or experience in corrections or
6 criminal justice. The members shall include a chairperson who is nominated by the
7 governor, and with the advice and consent of the senate appointed, for a 2-year term
8 expiring March 1 of the odd-numbered years, subject to removal under s. 17.07 (3m),
9 and the remaining members in the classified service appointed by the chairperson.

10 **SECTION 38.** 15.155 (5) of the statutes is amended to read:

11 15.155 (5) SMALL BUSINESS REGULATORY REVIEW BOARD. There is created a small
12 business regulatory review board, attached to the department of commerce under s.
13 15.03. The board shall consist of a representative of the department of
14 administration; a representative of the department of agriculture, trade and
15 consumer protection; a representative of the department of children and families; a
16 representative of the department of commerce; a representative of the department
17 of health and family services; a representative of the department of natural
18 resources; a representative of the department of regulation and licensing; a
19 representative of the department of revenue; a representative of the department of
20 workforce development; 6 representatives of small businesses, as defined in s.
21 227.114 (1), who shall be appointed for 3-year terms; and the chairpersons of one
22 senate and one assembly committee concerned with small businesses, appointed as
23 are members of standing committees. The representatives of the departments shall
24 be selected by the secretary of that department.

SENATE BILL 40**SECTION 39**

1 **SECTION 39.** 15.195 (4) (intro.) of the statutes is renumbered 15.205 (4) (intro.)
2 and amended to read:

3 **15.205 (4) CHILD ABUSE AND NEGLECT PREVENTION BOARD.** (intro.) There is
4 created a child abuse and neglect prevention board which is attached to the
5 department of ~~health and family services~~ children and families under s. 15.03. The
6 board shall consist of 20 members as follows:

7 **SECTION 40.** 15.195 (4) (a) of the statutes is renumbered 15.205 (4) (a).

8 **SECTION 41.** 15.195 (4) (b) of the statutes is renumbered 15.205 (4) (b).

9 **SECTION 42.** 15.195 (4) (c) of the statutes is renumbered 15.205 (4) (c).

10 **SECTION 43.** 15.195 (4) (d) of the statutes is renumbered 15.205 (4) (d).

11 **SECTION 44.** 15.195 (4) (dg) of the statutes is renumbered 15.205 (4) (dg).

12 **SECTION 45.** 15.195 (4) (dr) of the statutes is renumbered 15.205 (4) (dr) and
13 amended to read:

14 **15.205 (4) (dr)** The secretary of ~~workforce development~~ children and families
15 or his or her designee.

16 **SECTION 46.** 15.195 (4) (e) of the statutes is renumbered 15.205 (4) (e).

17 **SECTION 47.** 15.195 (4) (em) of the statutes is renumbered 15.205 (4) (em).

18 **SECTION 48.** 15.195 (4) (f) of the statutes is renumbered 15.205 (4) (f).

19 **SECTION 49.** 15.195 (4) (fm) of the statutes is renumbered 15.205 (4) (fm).

20 **SECTION 50.** 15.195 (4) (g) of the statutes is renumbered 15.205 (4) (g).

21 **SECTION 51.** 15.197 (6) of the statutes is created to read:

22 **15.197 (6) HEALTH CARE QUALITY AND PATIENT SAFETY COUNCIL.** There is created
23 a health care quality and patient safety council, attached to the department of health
24 and family services under s. 15.03. The health care quality and patient safety council

SENATE BILL 40

1 shall consist of the following members that, except for the members specified in pars.

2 (a) to (c), are appointed by the governor for 2-year terms:

3 (a) The secretary of administration or his or her designee.

4 (b) The secretary of health and family services or his or her designee.

5 (c) The secretary of employee trust funds or his or her designee.

6 (d) An employer who purchases health care for employees.

7 (e) A representative of the Wisconsin Health and Hospital Association.

8 (f) A physician, as defined in s. 448.01 (5).

9 (g) A representative of the health insurance industry.

10 (h) A representative of a major health care provider system.

11 (i) A health care consumer advocate.

12 **SECTION 52.** 15.197 (11n) of the statutes is renumbered 15.107 (7), and 15.107

13 (7) (ag), as renumbered, is amended to read:

14 15.107 (7) (ag) There is created a council on developmental disabilities,
15 attached to the department of ~~health and family services~~ administration under s.
16 15.03.

17 **SECTION 53.** 15.197 (16) of the statutes is renumbered 15.207 (16) and amended
18 to read:

19 15.207 (16) COUNCIL ON DOMESTIC ABUSE. There is created in the department
20 of ~~health and family services~~ children and families a council on domestic abuse. The
21 council shall consist of 13 members appointed for staggered 3-year terms. Of those
22 13 members, 9 shall be nominated by the governor and appointed with the advice and
23 consent of the senate, and one each shall be designated by the speaker of the
24 assembly, the senate majority leader and the minority leader in each house of the
25 legislature and appointed by the governor. Persons appointed shall have a

SENATE BILL 40**SECTION 53**

1 recognized interest in and knowledge of the problems and treatment of victims of
2 domestic abuse.

3 **SECTION 54.** 15.197 (24) (a) (intro.) of the statutes is renumbered 15.207 (24)
4 (a) (intro.) and amended to read:

5 15.207 **(24)** (a) (intro.) There is created a Milwaukee child welfare partnership
6 council, attached to the department of ~~health and family services~~ children and
7 families under s. 15.03. The council shall consist of the following members:

8 **SECTION 55.** 15.197 (24) (a) 1. of the statutes is renumbered 15.207 (24) (a) 1.

9 **SECTION 56.** 15.197 (24) (a) 2. of the statutes is renumbered 15.207 (24) (a) 2.

10 **SECTION 57.** 15.197 (24) (a) 3. of the statutes is renumbered 15.207 (24) (a) 3.

11 **SECTION 58.** 15.197 (24) (a) 4. of the statutes is renumbered 15.207 (24) (a) 4.

12 **SECTION 59.** 15.197 (24) (a) 5. of the statutes is renumbered 15.207 (24) (a) 5.

13 **SECTION 60.** 15.197 (24) (a) 6. of the statutes is renumbered 15.207 (24) (a) 6.

14 **SECTION 61.** 15.197 (24) (a) 7. of the statutes is renumbered 15.207 (24) (a) 7.

15 **SECTION 62.** 15.197 (24) (b) of the statutes is renumbered 15.207 (24) (b).

16 **SECTION 63.** 15.197 (24) (c) of the statutes is renumbered 15.207 (24) (c).

17 **SECTION 64.** 15.197 (24) (d) of the statutes is renumbered 15.207 (24) (d) and
18 amended to read:

19 15.207 **(24)** (d) If the department of ~~workforce development~~ children and
20 families establishes more than one geographical area in Milwaukee County under
21 s. 49.143 (6), the children's services networks established in Milwaukee County
22 under s. 49.143 (2) (b), in nominating members under par. (a) 7., shall nominate
23 residents of different geographical areas established under s. 49.143 (6) and, when
24 the term of a member appointed under par. (a) 7. ends or if a vacancy occurs in the
25 membership of the council under par. (a) 7., those children's services networks shall

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1 nominate a resident of a different geographical area established under s. 49.143 (6)
2 from the geographical area of the member who is being replaced according to a
3 rotating order of succession determined by the children's services networks.

4 **SECTION 65.** 15.20 of the statutes is created to read:

5 **15.20 Department of children and families; creation.** There is created a
6 department of children and families under the direction and supervision of the
7 secretary of children and families.

8 **SECTION 66.** 15.205 (title) of the statutes is created to read:

9 **15.205 (title) Same; attached boards.**

10 **SECTION 67.** 15.207 (title) of the statutes is created to read:

11 **15.207 (title) Same; councils.**

12 **SECTION 68.** 15.345 (6) of the statutes is created to read:

13 15.345 **(6) MANAGED FOREST LAND BOARD.** There is created in the department of
14 natural resources a managed forest land board consisting of the chief state forester
15 or his or her designee and the following members appointed for 3-year terms:

16 (a) One member appointed from a list of 5 nominees submitted by the Wisconsin
17 Counties Association.

18 (b) One member appointed from a list of 5 nominees submitted by the Wisconsin
19 Towns Association.

20 (c) One member appointed from a list of 5 nominees submitted by an association
21 that represents the interests of counties that have county forests within their
22 boundaries.

23 (d) One member appointed from a list of 5 nominees submitted by the council
24 on forestry.

25 **SECTION 69.** 16.002 (2) of the statutes is amended to read:

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1 16.002 (2) “Departments” means constitutional offices, departments, and
2 independent agencies and includes all societies, associations, and other agencies of
3 state government for which appropriations are made by law, but not including
4 authorities created in subch. II of ch. 114 or subch. III of ch. 149 and in chs. 231, 232,
5 233, 234, 235, ~~and 237,~~ and 238.

6 **SECTION 70.** 16.004 (4) of the statutes is amended to read:

7 16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the
8 department as the secretary designates may enter into the offices of state agencies
9 and authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under
10 chs. 231, 233, 234, ~~and 237,~~ and 238, and may examine their books and accounts and
11 any other matter that in the secretary’s judgment should be examined and may
12 interrogate the agency’s employees publicly or privately relative thereto.

13 **SECTION 71.** 16.004 (5) of the statutes is amended to read:

14 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and
15 authorities created under subch. II of ch. 114 or subch. III of ch. 149 and under chs.
16 231, 233, 234, ~~and 237,~~ and 238, and their officers and employees, shall cooperate
17 with the secretary and shall comply with every request of the secretary relating to
18 his or her functions.

19 **SECTION 72.** 16.004 (15) of the statutes is created to read:

20 16.004 (15) LEGAL SERVICES. (a) In this subsection, “state agency” means an
21 office, commission, department, independent agency, or board in the executive
22 branch of state government, and includes the building commission.

23 (b) The department may provide legal services to state agencies. Annually, the
24 department shall assess each state agency for the cost of the legal services provided

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1 to the state agency. The department shall credit all moneys received from state
2 agencies under this paragraph to the appropriation account under s. 20.505 (1) (kr).

3 **SECTION 73.** 16.009 (1) (em) 7. of the statutes is created to read:

4 16.009 (1) (em) 7. A residential care apartment complex, as defined in s. 50.01
5 (1d).

6 **SECTION 74.** 16.009 (2) (p) (intro.) of the statutes is amended to read:

7 16.009 (2) (p) (intro.) ~~Contract~~ Employ staff within the classified service or
8 contract with one or more organizations to provide advocacy services to potential or
9 actual recipients of the family care benefit, as defined in s. 46.2805 (4), or their
10 families or guardians. The board and contract organizations under this paragraph
11 shall assist these persons in protecting their rights under all applicable federal
12 statutes and regulations and state statutes and rules. An organization with which
13 the board contracts for these services may not be a provider, nor an affiliate of a
14 provider, of long-term care services, a resource center under s. 46.283 or a care
15 management organization under s. 46.284. For potential or actual recipients of the
16 family care benefit, advocacy services required under this paragraph shall include
17 all of the following:

18 **SECTION 75.** 16.015 of the statutes is created to read:

19 **16.015 Truth-in-sentencing phase II council.** The truth-in-sentencing
20 phase II council shall submit a report on sentencing guidelines to the legislature and
21 to the governor by January 1, 2008.

22 **SECTION 76.** 16.045 (1) (a) of the statutes is amended to read:

23 16.045 (1) (a) “Agency” means an office, department, independent agency,
24 institution of higher education, association, society, or other body in state
25 government created or authorized to be created by the constitution or any law, that

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1 is entitled to expend moneys appropriated by law, including the legislature and the
2 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
3 ch. 149 or in ch. 231, 232, 233, 234, 235, ~~or 237,~~ or 238.

4 **SECTION 77.** 16.22 (4) of the statutes is created to read:

5 16.22 (4) STATE FUNDING. The department shall annually determine the
6 amount of funding for administrative support of the board that is required for this
7 state to qualify for federal financial assistance to be provided to the board. The
8 department shall apportion that amount equally among the departments of
9 administration, health and family services, public instruction, and workforce
10 development and shall assess those entities for the necessary funding. The
11 department shall credit the moneys received to the appropriation account under s.
12 20.505 (4) (kb).

13 **SECTION 78.** 16.257 of the statutes is created to read:

14 **16.257 Postsecondary education promotion.** For the purpose of
15 promoting attendance at nonprofit postsecondary institutions in this state, the
16 department shall do all of the following:

17 (1) Serve as the state's liaison agency between the higher educational aids
18 board, the department of public instruction, the University of Wisconsin System, the
19 technical college system, and other public and private organizations that are
20 interested in promoting postsecondary education in this state.

21 (2) (a) Contract with The Wisconsin Covenant Foundation, Inc., if the secretary
22 determines it appropriate, to pay The Wisconsin Covenant Foundation, Inc., an
23 amount not to exceed the amount appropriated under s. 20.505 (4) (bm), to establish
24 and implement a campaign to promote attendance at nonprofit postsecondary

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1 educational institutions in this state. Funds may be expended to carry out the
2 contract only as provided in pars. (b) and (c).

3 (b) No funds appropriated under s. 20.505 (4) (bm) may be expended until the
4 The Wisconsin Covenant Foundation, Inc., submits to the secretary a report setting
5 forth the amount of private contributions received by The Wisconsin Covenant
6 Foundation, Inc., since the date on which The Wisconsin Covenant Foundation, Inc.,
7 last submitted a report under this paragraph. After receiving the report, the
8 secretary may approve the expenditure of funds up to the amount set forth in the
9 report. Total funds expended in any fiscal year may not exceed the amounts in the
10 schedule under s. 20.505 (4) (bm).

11 (c) The Wisconsin Covenant Foundation, Inc., shall expend funds appropriated
12 under s. 20.505 (4) (bm) in adherence with the uniform travel schedule amounts
13 approved under s. 20.916 (8). The Wisconsin Covenant Foundation, Inc., may not
14 expend funds appropriated under s. 20.505 (4) (bm) on entertainment, foreign travel,
15 payments to persons not providing goods or services to The Wisconsin Covenant
16 Foundation, Inc., or for other purposes prohibited by contract between The
17 Wisconsin Covenant Foundation, Inc., and the department.

18 **(3)** Coordinate the postsecondary education promotional activities of the
19 department, the persons specified in sub. (1), and The Wisconsin Covenant
20 Foundation, Inc., and prevent duplication of effort in conducting those activities.

21 **(4)** From the appropriation account under s. 20.505 (4) (br), distribute not more
22 than \$250,000 in each fiscal year as grants to school districts for reimbursement of
23 teachers and administrators for costs incurred in participating in training relating
24 to character education.

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1 **(5)** On or before July 1, 2009, and every July 1 thereafter, submit to the chief
2 clerk of each house of the legislature, for distribution to the appropriate standing
3 committees under s. 13.172 (3), a report on the postsecondary education promotional
4 activities conducted by The Wisconsin Covenant Foundation, Inc., using funds
5 provided under s. 20.505 (4) (bm).

6 **SECTION 79.** 16.27 (3) (c) of the statutes is amended to read:

7 16.27 **(3)** (c) From the appropriation under s. 20.505 (1) (mb), allocate
8 \$1,100,000 in each federal fiscal year an amount determined by the secretary for the
9 department's expenses in administering the funds to provide low-income energy
10 assistance.

11 **SECTION 80.** 16.41 (4) of the statutes is amended to read:

12 16.41 **(4)** In this section, "authority" means a body created under subch. II of
13 ch. 114 or subch. III of ch. 149 or under ch. 231, 233, 234, ~~or 237,~~ or 238.

14 **SECTION 81.** 16.417 (1) (a) of the statutes, as affected by 2005 Wisconsin Act 74,
15 is amended to read:

16 16.417 **(1)** (a) "Agency" means an office, department, independent agency,
17 institution of higher education, association, society, or other body in state
18 government created or authorized to be created by the constitution or any law, that
19 is entitled to expend moneys appropriated by law, including the legislature and the
20 courts, but not including an authority or the body created under subch. III of ch. 149
21 or under ch. 238.

22 **SECTION 82.** 16.42 (1) (f) of the statutes is repealed.

23 **SECTION 83.** 16.423 of the statutes is repealed.

24 **SECTION 84.** 16.46 (5g) of the statutes is repealed.

25 **SECTION 85.** 16.50 (3) (e) of the statutes is amended to read:

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1 16.50 (3) (e) No pay increase may be approved unless it is at the rate or within
2 the pay ranges prescribed in the compensation plan or as provided in a collective
3 bargaining agreement under subch. V or VI of ch. 111.

4 **SECTION 86.** 16.52 (7) of the statutes is amended to read:

5 16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency
6 that is authorized to maintain a contingent fund under s. 20.920 may establish a
7 petty cash account from its contingent fund. The procedure for operation and
8 maintenance of petty cash accounts and the character of expenditures therefrom
9 shall be prescribed by the secretary. In this subsection, “agency” means an office,
10 department, independent agency, institution of higher education, association,
11 society, or other body in state government created or authorized to be created by the
12 constitution or any law, that is entitled to expend moneys appropriated by law,
13 including the legislature and the courts, but not including an authority created in
14 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, ~~or 237~~, or 238.

15 **SECTION 87.** 16.527 (4) (e) of the statutes is amended to read:

16 16.527 (4) (e) At the time of, or in anticipation of, contracting for the
17 appropriation obligations and at any time thereafter so long as the appropriation
18 obligations are outstanding, the department may enter into agreements and
19 ancillary arrangements relating to the appropriation obligations, including trust
20 indentures, liquidity facilities, remarketing or dealer agreements, letter of credit
21 agreements, insurance policies, guaranty agreements, reimbursement agreements,
22 indexing agreements, or interest exchange agreements. Any payments made or
23 received pursuant to any such agreement or ancillary arrangement shall be made
24 from or deposited as provided in the agreement or ancillary arrangement. The

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1 determination of the department included in an interest exchange agreement that
2 such agreement relates to an appropriation obligation shall be conclusive.

3 **SECTION 88.** 16.527 (4) (h) of the statutes is created to read:

4 16.527 (4) (h) 1. Subject to subd. 2., the terms and conditions of an interest
5 exchange agreement under par. (e) shall not be structured so that, as of the trade date
6 of the agreement, both of the following are reasonably expected to occur:

7 a. The aggregate expected debt service and net exchange payments relating to
8 the agreement during the fiscal year in which the trade date occurs will be less than
9 the aggregate expected debt service and net exchange payments relating to the
10 agreement that would be payable during that fiscal year if the agreement is not
11 executed.

12 b. The aggregate expected debt service and net exchange payments relating to
13 the agreement in subsequent fiscal years will be greater than the aggregate expected
14 debt service and net exchange payments relating to the agreement that would be
15 payable in those fiscal years if the agreement is not executed.

16 2. Subd. 1. shall not apply if either of the follow occurs:

17 a. The department receives a determination by the independent financial
18 consulting firm that the terms and conditions of the agreement reflect payments by
19 the state that represent on-market rates as of the trade date for the particular type
20 of agreement.

21 b. The department provides written notice to the joint committee on finance of
22 its intention to enter into an agreement that is reasonably expected to satisfy subd.
23 1., and the joint committee on finance either approves or disapproves, in writing, the
24 department's entering into the agreement within 14 days of receiving the written
25 notice from the commission.

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1 3. This paragraph shall not limit the liability of the state under an agreement
2 if actual contracted net exchange payments in any fiscal year exceed original
3 expectations.

4 **SECTION 89.** 16.528 (1) (a) of the statutes is amended to read:

5 16.528 (1) (a) “Agency” means an office, department, independent agency,
6 institution of higher education, association, society, or other body in state
7 government created or authorized to be created by the constitution or any law, that
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
10 ch. 149 or in ch. 231, 233, 234, ~~or 237,~~ or 238.

11 **SECTION 90.** 16.53 (2) of the statutes is amended to read:

12 16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed
13 invoice, the agency shall notify the sender of the invoice within 10 working days after
14 it receives the invoice of the reason it is improperly completed. In this subsection,
15 “agency” means an office, department, independent agency, institution of higher
16 education, association, society, or other body in state government created or
17 authorized to be created by the constitution or any law, that is entitled to expend
18 moneys appropriated by law, including the legislature and the courts, but not
19 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
20 231, 233, 234, ~~or 237,~~ or 238.

21 **SECTION 91.** 16.53 (10) (a) of the statutes is amended to read:

22 16.53 (10) (a) If an emergency arises which requires the department to draw
23 vouchers for payments which will be in excess of available moneys in any state fund,
24 the secretary, after notifying the joint committee on finance under par. (b), may
25 prorate and establish priority schedules for all payments within each fund, including

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1 those payments for which a specific payment date is provided by statute, except as
2 otherwise provided in this paragraph. The secretary shall draw all vouchers
3 according to the preference provided in this paragraph. All direct or indirect
4 payments of principal or interest on state bonds and notes issued under subch. I of
5 ch. 18 and payments due, if any, under an agreement or ancillary arrangement
6 entered into under s. 18.06 (8) (a) relating to any public debt contracted under
7 subchs. I and IV of ch. 18 have first priority. All direct or indirect payments of
8 principal or interest on state notes issued under subch. III of ch. 18 have 2nd priority.
9 No payment having a 1st or 2nd priority may be prorated or reduced under this
10 subsection. All state employee payrolls have 3rd priority. The secretary shall draw
11 all remaining vouchers according to a priority determined by the secretary. The
12 secretary shall maintain records of all claims prorated under this subsection.

13 **SECTION 92.** 16.54 (9) (a) 1. of the statutes is amended to read:

14 16.54 (9) (a) 1. “Agency” means an office, department, independent agency,
15 institution of higher education, association, society or other body in state
16 government created or authorized to be created by the constitution or any law, which
17 is entitled to expend moneys appropriated by law, including the legislature and the
18 courts, but not including an authority created in subch. II of ch. 114 or subch. III of
19 ch. 149 or in ch. 231, 233, 234, ~~or 237,~~ or 238.

20 **SECTION 93.** 16.54 (12) (a) of the statutes is amended to read:

21 16.54 (12) (a) The Except as provided under 2007 Wisconsin Act (this act),
22 section 9121 (1m), the department of health and family services may not expend or
23 encumber any moneys received under s. 20.435 (8) (mm) unless the department of
24 health and family services submits a plan for the expenditure of the moneys to the

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1 department of administration and the department of administration approves the
2 plan.

3 **SECTION 94.** 16.54 (12) (a) of the statutes, as affected by 2007 Wisconsin Act
4 (this act), is amended to read:

5 16.54 (12) (a) ~~Except as provided under 2007 Wisconsin Act (this act),~~
6 ~~section 9121 (1m), the~~ The department of health and family services may not expend
7 or encumber any moneys received under s. 20.435 (8) (mm) unless the department
8 of health and family services submits a plan for the expenditure of the moneys to the
9 department of administration and the department of administration approves the
10 plan.

11 **SECTION 95.** 16.54 (12) (b) of the statutes is amended to read:

12 16.54 (12) (b) ~~The~~ Except as provided under 2007 Wisconsin Act (this act),
13 section 9155 (1m), the department of ~~workforce development~~ children and families
14 may not expend or encumber any moneys received under s. ~~20.445~~ credited to the
15 appropriation account under s. 20.437 (2) (mm) or (3) (mm) unless the department
16 of ~~workforce development~~ children and families submits a plan for the expenditure
17 of the moneys to the department of administration and the department of
18 administration approves the plan.

19 **SECTION 96.** 16.54 (12) (b) of the statutes, as affected by 2007 Wisconsin Act
20 (this act), is amended to read:

21 16.54 (12) (b) ~~Except as provided under 2007 Wisconsin Act (this act),~~
22 ~~section 9155 (1m), the~~ The department of children and families may not expend or
23 encumber any moneys credited to the appropriation account under s. 20.437 (2) (mm)
24 or (3) (mm) unless the department of children and families submits a plan for the

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1 expenditure of the moneys to the department of administration and the department
2 of administration approves the plan.

3 **SECTION 97.** 16.54 (12) (d) of the statutes is amended to read:

4 16.54 **(12)** (d) At the end of each fiscal year, the department of administration
5 shall determine the amount of moneys that remain in the appropriation accounts
6 under ss. 20.435 (8) (mm) and 20.445 (3) (mm) that have not been encumbered or
7 expended under 2007 Wisconsin Act ... (this act), section 9121 (1m), or approved for
8 encumbrance or expenditure by the department pursuant to a plan submitted under
9 par. (a) or (b) and shall require that such moneys be lapsed to the general fund. The
10 department shall notify the cochairpersons of the joint committee on finance, in
11 writing, of the department's action under this paragraph.

12 **SECTION 98.** 16.54 (12) (d) of the statutes, as affected by 2007 Wisconsin Act ...
13 (this act), section 97, is amended to read:

14 16.54 **(12)** (d) At the end of each fiscal year, the department of administration
15 shall determine the amount of moneys that remain in the appropriation accounts
16 under ss. 20.435 (8) (mm) and ~~20.445~~ 20.437 (2) (mm) and (3) (mm) that have not been
17 encumbered or expended under 2007 Wisconsin Act ... (this act), section ~~9121~~ 9155
18 (1m), or approved for encumbrance or expenditure by the department pursuant to
19 a plan submitted under par. (a) or (b) and shall require that such moneys be lapsed
20 to the general fund. The department shall notify the cochairpersons of the joint
21 committee on finance, in writing, of the department's action under this paragraph.

22 **SECTION 99.** 16.54 (12) (d) of the statutes, as affected by 2007 Wisconsin Act ...
23 (this act), section 98, is repealed and recreated to read:

24 16.54 **(12)** (d) At the end of each fiscal year, the department of administration
25 shall determine the amount of moneys that remain in the appropriation accounts

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1 under ss. 20.435 (8) (mm) and 20.437 (2) (mm) and (3) (mm) that have not been
2 approved for encumbrance or expenditure by the department pursuant to a plan
3 submitted under par. (a) or (b) and shall require that such moneys be lapsed to the
4 general fund. The department shall notify the cochairpersons of the joint committee
5 on finance, in writing, of the department's action under this paragraph.

6 **SECTION 100.** 16.70 (2) of the statutes is amended to read:

7 16.70 (2) "Authority" means a body created under subch. II of ch. 114 or subch.
8 III of ch. 149 or under ch. 231, 232, 233, 234, 235, ~~or 237,~~ or 238.

9 **SECTION 101.** 16.705 (3) (c) of the statutes is amended to read:

10 16.705 (3) (c) Do not enter into any contract for contractual services in conflict
11 with any collective bargaining agreement under subch. V or VI of ch. 111.

12 **SECTION 102.** 16.75 (1) (a) 1. of the statutes, as affected by 2005 Wisconsin Act
13 141, is amended to read:

14 16.75 (1) (a) 1. All orders awarded or contracts made by the department for all
15 materials, supplies, equipment, and contractual services to be provided to any
16 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),
17 (6), (7), (8), (9), (10e), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 16.964 (8), 50.05
18 (7) (f), 153.05 (2m) (a), and 287.15 (7), ~~and 301.265~~, shall be awarded to the lowest
19 responsible bidder, taking into consideration life cycle cost estimates under sub.
20 (1m), when appropriate, the location of the agency, the quantities of the articles to
21 be supplied, their conformity with the specifications, and the purposes for which they
22 are required and the date of delivery.

23 **SECTION 103.** 16.75 (6) (bm) of the statutes is amended to read:

24 16.75 (6) (bm) If the secretary determines that it is in the best interest of this
25 state to do so, he or she may waive any requirement under subs. (1) to (5) and ss.

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1 16.705 and 16.72 (2) (e) and (f) and (5) with respect to any contract entered into by
2 the department of ~~workforce development~~ children and families under s. 49.143, if
3 the department of ~~workforce development~~ children and families presents the
4 secretary with a process for the procurement of contracts under s. 49.143 and the
5 secretary approves the process.

6 **SECTION 104.** 16.765 (1) of the statutes is amended to read:

7 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and
8 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
9 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the
10 Healthy Wisconsin Authority, and the Bradley Center Sports and Entertainment
11 Corporation shall include in all contracts executed by them a provision obligating the
12 contractor not to discriminate against any employee or applicant for employment
13 because of age, race, religion, color, handicap, sex, physical condition, developmental
14 disability as defined in s. 51.01 (5), sexual orientation as defined in s. 111.32 (13m),
15 or national origin and, except with respect to sexual orientation, obligating the
16 contractor to take affirmative action to ensure equal employment opportunities.

17 **SECTION 105.** 16.765 (2) of the statutes is amended to read:

18 16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and
19 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
20 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the
21 Healthy Wisconsin Authority, and the Bradley Center Sports and Entertainment
22 Corporation shall include the following provision in every contract executed by them:
23 “In connection with the performance of work under this contract, the contractor
24 agrees not to discriminate against any employee or applicant for employment
25 because of age, race, religion, color, handicap, sex, physical condition, developmental

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1 disability as defined in s. 51.01 (5), sexual orientation or national origin. This
2 provision shall include, but not be limited to, the following: employment, upgrading,
3 demotion or transfer; recruitment or recruitment advertising; layoff or termination;
4 rates of pay or other forms of compensation; and selection for training, including
5 apprenticeship. Except with respect to sexual orientation, the contractor further
6 agrees to take affirmative action to ensure equal employment opportunities. The
7 contractor agrees to post in conspicuous places, available for employees and
8 applicants for employment, notices to be provided by the contracting officer setting
9 forth the provisions of the nondiscrimination clause”.

10 **SECTION 106.** 16.765 (4) of the statutes is amended to read:

11 16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and
12 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
13 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the
14 Healthy Wisconsin Authority, and the Bradley Center Sports and Entertainment
15 Corporation shall take appropriate action to revise the standard government
16 contract forms under this section.

17 **SECTION 107.** 16.765 (5) of the statutes is amended to read:

18 16.765 (5) The head of each contracting agency and the boards of directors of
19 the University of Wisconsin Hospitals and Clinics Authority, the Fox River
20 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
21 Insurance Risk-Sharing Plan Authority, the Healthy Wisconsin Authority, and the
22 Bradley Center Sports and Entertainment Corporation shall be primarily
23 responsible for obtaining compliance by any contractor with the nondiscrimination
24 and affirmative action provisions prescribed by this section, according to procedures
25 recommended by the department. The department shall make recommendations to

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1 the contracting agencies and the boards of directors of the University of Wisconsin
2 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
3 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
4 the Healthy Wisconsin Authority, and the Bradley Center Sports and Entertainment
5 Corporation for improving and making more effective the nondiscrimination and
6 affirmative action provisions of contracts. The department shall promulgate such
7 rules as may be necessary for the performance of its functions under this section.

8 **SECTION 108.** 16.765 (6) of the statutes is amended to read:

9 16.765 (6) The department may receive complaints of alleged violations of the
10 nondiscrimination provisions of such contracts. The department shall investigate
11 and determine whether a violation of this section has occurred. The department may
12 delegate this authority to the contracting agency, the University of Wisconsin
13 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the
14 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
15 the Healthy Wisconsin Authority, or the Bradley Center Sports and Entertainment
16 Corporation for processing in accordance with the department's procedures.

17 **SECTION 109.** 16.765 (7) (intro.) of the statutes is amended to read:

18 16.765 (7) (intro.) When a violation of this section has been determined by the
19 department, the contracting agency, the University of Wisconsin Hospitals and
20 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
21 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the
22 Healthy Wisconsin Authority, or the Bradley Center Sports and Entertainment
23 Corporation, the contracting agency, the University of Wisconsin Hospitals and
24 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
25 Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the

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1 Healthy Wisconsin Authority, or the Bradley Center Sports and Entertainment
2 Corporation shall:

3 **SECTION 110.** 16.765 (7) (d) of the statutes is amended to read:

4 16.765 (7) (d) Direct the violating party to take immediate steps to prevent
5 further violations of this section and to report its corrective action to the contracting
6 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River
7 Navigational System Authority, the Wisconsin Aerospace Authority, the Health
8 Insurance Risk-Sharing Plan Authority, the Healthy Wisconsin Authority, or the
9 Bradley Center Sports and Entertainment Corporation.

10 **SECTION 111.** 16.765 (8) of the statutes is amended to read:

11 16.765 (8) If further violations of this section are committed during the term
12 of the contract, the contracting agency, the Fox River Navigational System Authority,
13 the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan
14 Authority, the Healthy Wisconsin Authority, or the Bradley Center Sports and
15 Entertainment Corporation may permit the violating party to complete the contract,
16 after complying with this section, but thereafter the contracting agency, the Fox
17 River Navigational System Authority, the Wisconsin Aerospace Authority, the
18 Health Insurance Risk-Sharing Plan Authority, the Healthy Wisconsin Authority,
19 or the Bradley Center Sports and Entertainment Corporation shall request the
20 department to place the name of the party on the ineligible list for state contracts,
21 or the contracting agency, the Fox River Navigational System Authority, the
22 Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority,
23 the Healthy Wisconsin Authority, or the Bradley Center Sports and Entertainment
24 Corporation may terminate the contract without liability for the uncompleted

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1 portion or any materials or services purchased or paid for by the contracting party
2 for use in completing the contract.

3 **SECTION 112.** 16.771 of the statutes is created to read:

4 **16.771 False claims.** Whoever knowingly presents or causes to be presented
5 a false claim for payment under any contract or order for materials, supplies,
6 equipment, or contractual services to be provided to an agency shall forfeit not less
7 than \$5,000 nor more than \$10,000, plus 3 times the amount of the damages that
8 were sustained by the state or would have been sustained by the state, whichever is
9 greater, as a result of the false claim. The attorney general may bring an action on
10 behalf of the state to recover any forfeiture incurred under this section.

11 **SECTION 113.** 16.848 (2) (gc), (gg), (gn), (gr), (gt) and (gw) of the statutes are
12 created to read:

13 16.848 (2) (gc) Subsection (1) does not apply to property that is subject to sale
14 by the department of military affairs under s. 21.19 (3) or 21.42 (3).

15 (gg) Subsection (1) does not apply to property that is conveyed by the
16 department of corrections under s. 301.25.

17 (gn) Subsection (1) does not apply to property that is subject to sale by the state
18 under 20.909 (2).

19 (gr) Subsection (1) does not apply to land that is sold or traded by the Kickapoo
20 reserve management board under s. 41.41 (7).

21 (gt) Subsection (1) does not apply to property that is donated by the department
22 of transportation under s. 84.09 (5r).

23 (gw) Subsection (1) does not apply to the sale of property by the department of
24 health and family services under s. 51.06 (6).

25 **SECTION 114.** 16.848 (4) of the statutes is amended to read:

SENATE BILL 40**SECTION 114**

1 16.848 (4) Except as provided in s. 13.48 (14) (e), if there is any outstanding
2 public debt used to finance the acquisition, construction, or improvement of any
3 property that is sold under sub. (1), the department shall deposit a sufficient amount
4 of the net proceeds from the sale of the property in the bond security and redemption
5 fund under s. 18.09 to repay the principal and pay the interest on the debt, and any
6 premium due upon refunding any of the debt. If the property was acquired,
7 constructed, or improved with federal financial assistance, the department shall pay
8 to the federal government any of the net proceeds required by federal law. If the
9 property was acquired by gift or grant or acquired with gift or grant funds, the
10 department shall adhere to any restriction governing use of the proceeds. Except as
11 required under ~~sub. (5m)~~ and ss. 13.48 (14) (e), 20.395 (9) (qd), and 51.06 (6), if there
12 is no such debt outstanding, there are no moneys payable to the federal government,
13 and there is no restriction governing use of the proceeds, and if the net proceeds
14 exceed the amount required to be deposited, paid, or used for another purpose under
15 this subsection, the department shall deposit the net proceeds or remaining net
16 proceeds in the general fund.

17 **SECTION 115.** 16.85 (2) of the statutes is amended to read:

18 16.85 (2) To furnish engineering, architectural, project management, and other
19 building construction services whenever requisitions therefor are presented to the
20 department by any agency. The department may deposit moneys received from the
21 provision of these services in the account under s. 20.505 (1) (kc) or in the general
22 fund as general purpose revenue — earned. In this subsection, “agency” means an
23 office, department, independent agency, institution of higher education, association,
24 society, or other body in state government created or authorized to be created by the
25 constitution or any law, which is entitled to expend moneys appropriated by law,

SENATE BILL 40**SECTION 115**

1 including the legislature and the courts, but not including an authority created in
2 subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, ~~or 237~~, or 238.

3 **SECTION 116.** 16.865 (8) of the statutes is amended to read:

4 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a
5 proportionate share of the estimated costs attributable to programs administered by
6 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department
7 may charge premiums to agencies to finance costs under this subsection and pay the
8 costs from the appropriation on an actual basis. The department shall deposit all
9 collections under this subsection in the appropriation account under s. 20.505 (2) (k).
10 Costs assessed under this subsection may include judgments, investigative and
11 adjustment fees, data processing and staff support costs, program administration
12 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this
13 subsection, “agency” means an office, department, independent agency, institution
14 of higher education, association, society, or other body in state government created
15 or authorized to be created by the constitution or any law, that is entitled to expend
16 moneys appropriated by law, including the legislature and the courts, but not
17 including an authority created in subch. II of ch. 114 or subch. III of ch. 149 or in ch.
18 231, 232, 233, 234, 235, ~~or 237~~, or 238.

19 **SECTION 117.** 16.871 of the statutes is created to read:

20 **16.871 False claims. (1)** In this section:

21 (a) “Agency” has the meaning given in s. 16.70 (1e).

22 (b) “Construction work” has the meaning given in s. 16.87 (1) (a).

23 (c) “Limited trades work” has the meaning given in s. 16.70 (7).

24 **(2)** Whoever knowingly presents or causes to be presented a false claim under
25 any contract for construction work or limited trades work, or for engineering or

SENATE BILL 40**SECTION 117**

1 architectural services, to be provided to any agency shall forfeit not less than \$5,000
2 nor more than \$10,000, plus 3 times the amount of the damages that were sustained
3 by the state or would have been sustained by the state, whichever is greater, as a
4 result of the false claim. The attorney general may bring an action on behalf of the
5 state to recover any forfeiture incurred under this subsection.

6 **SECTION 118.** 16.957 (3) (a) of the statutes is amended to read:

7 16.957 (3) (a) The department shall, on the basis of competitive bids, contract
8 with community action agencies described in s. ~~46.30~~ 49.265 (2) (a) 1., nonstock,
9 nonprofit corporations organized under ch. 181, or local units of government to
10 provide services under the programs established under sub. (2) (a).

11 **SECTION 119.** 16.964 (1) (f) of the statutes is repealed.

12 **SECTION 120.** 16.964 (3) of the statutes is amended to read:

13 16.964 (3) The governor shall appoint an executive director under s. 15.105 (19)
14 (a) outside of the classified service.

15 **SECTION 121.** 16.964 (5m) of the statutes is created to read:

16 16.964 (5m) The office shall provide grants from the appropriation under s.
17 20.505 (6) (f) to 1st class cities to employ additional uniformed law enforcement
18 officers. For each year that a city receives a grant, the city shall provide matching
19 funds of at least 25 percent of the amount of the grant. The office may provide grants
20 under this section in addition to any grant that it provides under sub. (5).

21 **SECTION 122.** 16.964 (10) of the statutes is repealed.

22 **SECTION 123.** 16.964 (12) (c) 10. of the statutes is amended to read:

23 16.964 (12) (c) 10. The program is developed with input from, and implemented
24 in collaboration with, one or more circuit court judges, the district attorney, the state
25 public defender, local law enforcement officials, county agencies responsible for

SENATE BILL 40**SECTION 123**

1 providing social services, including services relating to alcohol and other drug
2 addiction, child welfare, mental health, and the Wisconsin Works program, the
3 departments of corrections, children and families, and health and family services,
4 private social services agencies, and substance abuse treatment providers.

5 **SECTION 124.** 16.964 (12) (e) 1. of the statutes is amended to read:

6 16.964 (12) (e) 1. A county that receives a grant under this subsection shall
7 create an oversight committee to advise the county in administering and evaluating
8 its program. Each committee shall consist of a circuit court judge, the district
9 attorney or his or her designee, the state public defender or his or her designee, a local
10 law enforcement official, a representative of the county, a representative of each
11 other county agency responsible for providing social services, including services
12 relating to child welfare, mental health, and the Wisconsin Works program,
13 representatives of the departments of corrections, children and families, and health
14 and family services, a representative from private social services agencies, a
15 representative of substance abuse treatment providers, and other members to be
16 determined by the county.

17 **SECTION 125.** 16.964 (13) of the statutes is created to read:

18 16.964 (13) (a) The bureau of criminal justice research shall do all of the
19 following:

20 1. Serve as a clearinghouse of justice system data and information and conduct
21 justice system research and data analysis under this section.

22 8. Not later than the first day of the 12th month beginning after the effective
23 date of this subdivision [revisor inserts date], and biennially thereafter, prepare
24 a report containing statewide statistics on standard sentences for each felony offense
25 and how the standard sentences of each circuit court compare to the statistics on the

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1 sentences for its respective region and how the standard sentences of each circuit
2 court compare to the statistics on the sentences for the state. The report shall be
3 distributed to the appropriate standing committees of the legislature in the manner
4 provided under s. 13.172 (3), to the governor, and to the director of state courts.

5 (b) The executive director shall appoint a staff director under s. 15.105 (19) (b)
6 outside of the classified service.

7 **SECTION 126.** 16.964 (14) of the statutes is created to read:

8 16.964 (14) Annually, the office shall pay the amount appropriated under s.
9 20.505 (6) (e) to the Wisconsin Trust Account Foundation, Inc., to provide civil legal
10 services to indigent persons. The Wisconsin Trust Account Foundation, Inc., shall
11 distribute the amount received as grants to programs that provide civil legal services
12 to indigent persons. The grants may be used only for the following civil legal services:

13 (a) Serving as guardian ad litem for cases with the bureau of Milwaukee child
14 welfare of the department of health and family services.

15 (b) Coordinating insurance benefits for medical assistance recipients.

16 (c) Assisting Wisconsin Works participants in applying for supplemental
17 security income program benefits.

18 (d) Obtaining and enforcing child support, including legal services related to
19 domestic abuse.

20 (e) Developing discharge plans for mentally ill inmates and assisting those
21 inmates in their community integration planning.

22 (f) Providing ancillary services to juvenile offenders.

23 **SECTION 127.** 16.964 (14) (a) of the statutes, as created by 2007 Wisconsin Act
24 (this act), is amended to read:

SENATE BILL 40**SECTION 127**

1 16.964 **(14)** (a) Serving as guardian ad litem for cases with the bureau of
2 Milwaukee child welfare of the department of ~~health and family services~~ children
3 and families.

4 **SECTION 128.** 16.971 (2) (cf) of the statutes is created to read:

5 16.971 **(2)** (cf) Implement, operate, maintain, and upgrade an integrated
6 business information system capable of providing information technology services to
7 all agencies and authorities in the areas of accounting, auditing, payroll and other
8 financial services; procurement; human resources; and other administrative
9 processes. The department may provide information technology services under this
10 subsection to any agency or authority or local governmental unit as the department
11 considers to be appropriate and as the department can efficiently and economically
12 provide. The department may charge agencies, authorities, and local governmental
13 units for information technology services provided to them under this subsection in
14 accordance with a methodology determined by the department.

15 **SECTION 129.** 16.997 (6) of the statutes is repealed.

16 **SECTION 130.** 17.07 (3m) of the statutes is amended to read:

17 17.07 **(3m)** Notwithstanding sub. (3), the ~~parole~~ earned release review
18 commission chairperson may be removed by the governor, at pleasure.

19 **SECTION 131.** 17.13 (intro.) of the statutes is amended to read:

20 **17.13 Removal of village, town, town sanitary district, school district,**
21 **and technical college ~~and family care district officers.~~** (intro.) Officers of
22 towns, town sanitary districts, villages, school districts, and technical college
23 districts ~~and family care districts~~ may be removed as follows:

24 **SECTION 132.** 17.13 (4) of the statutes is repealed.

25 **SECTION 133.** 17.15 (5) of the statutes is amended to read:

SENATE BILL 40**SECTION 133**

1 17.15 (5) ~~FAMILY~~ LONG-TERM CARE DISTRICT. Any member of a family long-term
2 care district governing board appointed under s. 46.2895 (3) (a) ~~2~~, may be removed
3 by the appointing authority for cause.

4 **SECTION 134.** 17.27 (3m) of the statutes is amended to read:

5 17.27 (3m) ~~FAMILY~~ LONG-TERM CARE DISTRICT BOARD. If a vacancy occurs in the
6 position of any appointed member of a family long-term care district board, the
7 appointing authority shall appoint to serve for the residue of the unexpired term a
8 person who meets the applicable requirements under s. 46.2895 (3) (b).

9 **SECTION 135.** 18.01 (1) of the statutes is renumbered 18.01 (1m).

10 **SECTION 136.** 18.01 (1e) of the statutes is created to read:

11 18.01 (1e) “Aggregate expected debt service and net exchange payments”
12 means the sum of the following:

13 (a) The aggregate net payments expected to be made and received under a
14 specified interest exchange agreement under s. 18.06 (8) (a).

15 (b) The aggregate debt service expected to be made on bonds related to that
16 agreement.

17 (c) The aggregate net payments expected to be made and received under all
18 other interest exchange agreements under s. 18.06 (8) (a) relating to those bonds that
19 are in force at the time of executing the agreement.

20 **SECTION 137.** 18.01 (4) (intro.) of the statutes is amended to read:

21 18.01 (4) (intro.) “Public debt” or “debt” means every voluntary, unconditional
22 undertaking by the state, other than an operating note ~~or an interest exchange~~
23 agreement, to repay a sum certain:

24 **SECTION 138.** 18.06 (8) (a) of the statutes is renumbered 18.06 (8) (a) (intro.)
25 and amended to read:

SENATE BILL 40**SECTION 138**

1 18.06 (8) (a) (intro.) The Subject to pars. (am) and (ar), at the time of, or in
2 anticipation of, contracting public debt and at any time thereafter while the public
3 debt is outstanding, the commission may enter into agreements and ancillary
4 arrangements for relating to the public debt, including liquidity facilities,
5 remarketing or dealer agreements, letter of credit agreements, insurance policies,
6 guaranty agreements, reimbursement agreements, indexing agreements, or interest
7 exchange agreements. The commission shall determine all of the following, if
8 applicable, with respect to any such agreement or ancillary arrangement:

9 **SECTION 139.** 18.06 (8) (a) 1. of the statutes is created to read:

10 18.06 (8) (a) 1. For any payment to be received with respect to the agreement
11 or ancillary arrangement, whether the payment will be deposited into the bond
12 security and redemption fund or the capital improvement fund.

13 **SECTION 140.** 18.06 (8) (a) 2. of the statutes is created to read:

14 18.06 (8) (a) 2. For any payment to be made with respect to the agreement or
15 ancillary arrangement, whether the payment will be made from the bond security
16 and redemption fund or the capital improvement fund and the timing of any transfer
17 of funds.

18 **SECTION 141.** 18.06 (8) (am) of the statutes is created to read:

19 18.06 (8) (am) With respect to any interest exchange agreement or agreements
20 specified in par. (a), all of the following shall apply:

21 1. The commission shall contract with an independent financial consulting firm
22 to determine if the terms and conditions of the agreement reflect a fair market value,
23 as of the proposed date of the execution of the agreement.

24 2. The interest exchange agreement must identify by maturity, bond issue, or
25 bond purpose the debt or obligation to which the agreement is related. The

SENATE BILL 40**SECTION 141**

1 determination of the commission included in an interest exchange agreement that
2 such agreement relates to a debt or obligation shall be conclusive.

3 3. The resolution authorizing the commission to enter into any interest
4 exchange agreement shall require that the terms and conditions of the agreement
5 reflect a fair market value as of the date of execution of the agreement, as reflected
6 by the determination of the independent financial consulting firm under subd. 1.,
7 and shall establish guidelines for any such agreement, including the following:

- 8 a. The conditions under which the commission may enter into the agreements.
9 b. The form and content of the agreements.
10 c. The aspects of risk exposure associated with the agreements.
11 d. The standards and procedures for counterparty selection.
12 e. The standards for the procurement of, and the setting aside of reserves, if
13 any, in connection with, the agreements.
14 f. The provisions, if any, for collateralization or other requirements for securing
15 any counterparty's obligations under the agreements.
16 g. A system for financial monitoring and periodic assessment of the
17 agreements.

18 **SECTION 142.** 18.06 (8) (ar) of the statutes is created to read:

19 18.06 (8) (ar) 1. Subject to subd. 2., the terms and conditions of an interest
20 exchange agreement under par. (a) shall not be structured so that, as of the trade date
21 of the agreement, both of the following are reasonably expected to occur:

- 22 a. The aggregate expected debt service and net exchange payments relating to
23 the agreement during the fiscal year in which the trade date occurs will be less than
24 the aggregate expected debt service and net exchange payments relating to the

SENATE BILL 40**SECTION 142**

1 agreement that would be payable during that fiscal year if the agreement is not
2 executed.

3 b. The aggregate expected debt service and net exchange payments relating to
4 the agreement in subsequent fiscal years will be greater than the aggregate expected
5 debt service and net exchange payments relating to the agreement that would be
6 payable in those fiscal years if the agreement is not executed.

7 2. Subd. 1. shall not apply if either of the follow occurs:

8 a. The commission receives a determination by the independent financial
9 consulting firm under par. (am) 1. that the terms and conditions of the agreement
10 reflect payments by the state that represent on-market rates as of the trade date for
11 the particular type of agreement.

12 b. The commission provides written notice to the joint committee on finance of
13 its intention to enter into an agreement that is reasonably expected to satisfy subd.
14 1., and the joint committee on finance either approves or disapproves, in writing, the
15 commission's entering into the agreement within 14 days of receiving the written
16 notice from the commission.

17 3. This paragraph shall not limit the liability of the state under an agreement
18 if actual contracted net exchange payments in any fiscal year are less than or exceed
19 original expectations.

20 **SECTION 143.** 18.06 (8) (b) of the statutes is amended to read:

21 18.06 (8) (b) The commission may delegate to other persons the authority and
22 responsibility to take actions necessary and appropriate to implement agreements
23 and ancillary arrangements under ~~par.~~ pars. (a) and (am).

24 **SECTION 144.** 18.06 (8) (d) of the statutes is created to read:

SENATE BILL 40**SECTION 144**

1 18.06 (8) (d) Semiannually, during any year in which the state is a party to an
2 agreement entered into pursuant to par. (a) (intro.), the department of
3 administration shall submit a report to the commission and to the cochairpersons of
4 the joint committee on finance listing all such agreements. The report shall include
5 all of the following:

6 1. A description of each agreement, including a summary of its terms and
7 conditions, rates, maturity, and the estimated market value of each agreement.

8 2. An accounting of amounts that were required to be paid and received on each
9 agreement.

10 3. Any credit enhancement, liquidity facility, or reserves, including an
11 accounting of the costs and expenses incurred by the state.

12 4. A description of the counterparty to each agreement.

13 5. A description of the counterparty risk, the termination risk, and other risks
14 associated with each agreement.

15 **SECTION 145.** 18.08 (1) (a) of the statutes is renumbered 18.08 (1) (a) (intro.)
16 and amended to read:

17 18.08 (1) (a) (intro.) All moneys resulting from the contracting of public debt
18 or any payment to be received with respect to any agreement or ancillary
19 arrangement entered into under s. 18.06 (8) (a) with respect to any such public debt
20 shall be credited to a separate and distinct fund, established in the state treasury,
21 designated as the capital improvement fund, except that such:

22 1. Such moneys which represent ~~premium and~~ accrued interest on bonds or
23 notes issued, or are for purposes of funding or refunding bonds pursuant to s. 18.06
24 (5), shall be credited to one or more of the sinking funds of the bond security and
25 redemption fund or to the state building trust fund.

SENATE BILL 40**SECTION 146**

1 **SECTION 146.** 18.08 (1) (a) 2. of the statutes is created to read:

2 18.08 (1) (a) 2. Any such moneys that represent premium or any payments
3 received pursuant to any agreement or ancillary arrangement entered into under s.
4 18.06 (8) (a) with respect to any such public debt may be credited to one or more of
5 the sinking funds of the bond security and redemption fund or to the capital
6 improvement fund, as determined by the commission.

7 **SECTION 147.** 18.08 (2) of the statutes is amended to read:

8 18.08 (2) The capital improvement fund may be expended, pursuant to
9 appropriations, only for the purposes and in the amounts for which the public debts
10 have been contracted, for the payment of principal and interest on loans or on notes,
11 for the payment due, if any, under an agreement or ancillary arrangement entered
12 into under s. 18.06 (8) (a) with respect to any such public debt, for the purposes
13 identified under s. 20.867 (2) (v) and (4) (q), and for expenses incurred in contracting
14 public debt.

15 **SECTION 148.** 18.08 (4) of the statutes is amended to read:

16 18.08 (4) If at any time it appears that there will not be on hand in the capital
17 improvement fund sufficient moneys for the payment of principal and interest on
18 loans or on notes or for the payment due, if any, under an agreement or ancillary
19 arrangement that has been entered into under s. 18.06 (8) (a) with respect to any
20 public debt and that has been determined to be payable from the capital
21 improvement fund under s. 18.06 (8) (a) 2., the department of administration shall
22 transfer to such fund, out of the appropriation made pursuant to s. 20.866, a sum
23 sufficient which, together with any available money on hand in such fund, is
24 sufficient to make such payment.

25 **SECTION 149.** 18.09 (2) of the statutes is amended to read:

SENATE BILL 40**SECTION 149**

1 18.09 (2) Each sinking fund shall be expended, and all moneys from time to
2 time on hand therein are irrevocably appropriated, in sums sufficient, only for the
3 payment of principal and interest on the bonds giving rise to it ~~and~~, premium, if any,
4 due upon refunding redemption of any such bonds, and payment due, if any, under
5 an agreement or ancillary arrangement that has been entered into under s. 18.06 (8)
6 (a) with respect to any such bonds and that has been determined to be payable from
7 the bond security and redemption fund under s. 18.06 (8) (a) 2.

8 **SECTION 150.** 18.13 (4g) of the statutes is created to read:

9 18.13 (4g) PUBLIC INTERVENOR. Notwithstanding s. 165.075, the public
10 intervenor does not have authority to initiate any action or proceeding concerning
11 the issuance of obligations by the building commission under this chapter.

12 **SECTION 151.** 18.55 (6) (a) of the statutes is amended to read:

13 18.55 (6) (a) At the time of, or in anticipation of, contracting revenue
14 obligations and at any time thereafter while the revenue obligations are
15 outstanding, the commission may enter into agreements and ancillary
16 arrangements relating to the revenue obligations, including trust indentures,
17 liquidity facilities, remarketing or dealer agreements, letter of credit agreements,
18 insurance policies, guaranty agreements, reimbursement agreements, indexing
19 agreements, or interest exchange agreements. Any payment made or received
20 pursuant to any such agreements or ancillary arrangements shall be made from or
21 deposited into a fund relating to the relevant revenue obligation, as determined by
22 the commission. The determination of the commission included in an interest
23 exchange agreement that such an agreement relates to a revenue obligation shall be
24 conclusive.

25 **SECTION 152.** 18.73 (5) of the statutes is created to read:

SENATE BILL 40**SECTION 152****18.73 (5) AGREEMENTS AND ARRANGEMENTS; DELEGATION; USE OF OPERATING NOTES.**

(a) At the time of, or in anticipation of, contracting operating notes and at any time thereafter while the operating notes are outstanding, the commission may enter into agreements and ancillary arrangements relating to the operating notes, including liquidity facilities, remarketing or dealer agreements, letter of credit agreements, insurance policies, guaranty agreements, reimbursement agreements, indexing agreements, or interest exchange agreements. Any payment received pursuant to any such agreements or ancillary arrangements shall be deposited in, and any payments made pursuant to any such agreements or ancillary arrangements will be made from, the general fund or the operating note redemption fund, as determined by the commission. The determination of the commission included in an interest exchange agreement that such an agreement relates to an operating note shall be conclusive.

(b) The commission may delegate to other persons the authority and responsibility to take actions necessary and appropriate to implement agreements and ancillary arrangements under par. (a).

(c) Any operating notes may include operating notes contracted to fund interest, accrued or to accrue, on the operating notes.

SECTION 153. 18.74 of the statutes is amended to read:

18.74 Application of operating note proceeds. All moneys resulting from the contracting of operating notes or any payment to be received under an agreement or ancillary arrangement entered into under s. 18.73 (5) with respect to any such operating notes shall be credited to the general fund, except that moneys which represent premium and accrued interest on operating notes, or moneys for purposes

SENATE BILL 40**SECTION 153**

1 of funding or refunding operating notes pursuant to s. 18.72 (1) shall be credited to
2 the operating note redemption fund.

3 **SECTION 154.** 18.75 (2) of the statutes is amended to read:

4 18.75 (2) The operating note redemption fund shall be expended and all
5 moneys from time to time on hand therein are irrevocably appropriated, in sums
6 sufficient, only for the payment of principal and interest on operating notes giving
7 rise to it and premium, if any, due upon refunding or early redemption of such
8 operating notes, and for the payment due, if any, under an agreement or ancillary
9 arrangement entered into under s. 18.73 (5) with respect to such operating notes.

10 **SECTION 155.** 18.75 (4) of the statutes is amended to read:

11 18.75 (4) There shall be transferred, under s. 20.855 (1) (a), a sum sufficient
12 for the payment of the principal, interest and premium due, if any, ~~on the~~ and for the
13 payment due, if any, under an agreement or ancillary arrangement entered into
14 pursuant to s. 18.73 (5) with respect to operating notes giving rise to it as the same
15 falls due. Such transfers shall be so timed that there is at all times on hand in the
16 fund an amount not less than the amount to be paid out of it during the ensuing 30
17 days or such other period if so provided for in the authorizing resolution. The
18 commission may pledge the deposit of additional amounts at periodic intervals and
19 the secretary of the department may impound moneys of the general fund, including
20 moneys temporarily reallocated from other funds under s. 20.002 (11), in accordance
21 with the pledge of revenues in the authorizing resolution, and all such
22 impoundments are deemed to be payments for purposes of s. 16.53 (10), but no such
23 impoundment may be made until the amounts to be paid into the bond security and
24 redemption fund under s. 18.09 during the ensuing 30 days have been deposited in
25 the bond security and redemption fund.

SENATE BILL 40**SECTION 156**

1 **SECTION 156.** 19.32 (1) of the statutes is amended to read:

2 19.32 (1) “Authority” means any of the following having custody of a record: a
3 state or local office, elected official, agency, board, commission, committee, council,
4 department or public body corporate and politic created by constitution, law,
5 ordinance, rule or order; a governmental or quasi-governmental corporation except
6 for the Bradley center sports and entertainment corporation; a local exposition
7 district under subch. II of ch. 229; a family long-term care district under s. 46.2895;
8 any court of law; the assembly or senate; a nonprofit corporation which receives more
9 than 50% of its funds from a county or a municipality, as defined in s. 59.001 (3), and
10 which provides services related to public health or safety to the county or
11 municipality; a nonprofit corporation operating the Olympic ice training center
12 under s. 42.11 (3); or a formally constituted subunit of any of the foregoing.

13 **SECTION 157.** 19.42 (10) (p) of the statutes is amended to read:

14 19.42 (10) (p) A member, the executive staff director, or the deputy director of
15 the ~~sentencing commission~~ bureau of criminal justice research.

16 **SECTION 158.** 19.42 (10) (pg) of the statutes is created to read:

17 19.42 (10) (pg) A member of the truth-in-sentencing phase II council.

18 **SECTION 159.** 19.42 (13) (o) of the statutes is amended to read:

19 19.42 (13) (o) The position of member, executive staff director, or deputy
20 director of the ~~sentencing commission~~ bureau of criminal justice research.

21 **SECTION 160.** 19.42 (13) (p) of the statutes is created to read:

22 19.42 (13) (p) The position of member of the truth-in-sentencing phase II
23 council.

24 **SECTION 161.** 19.55 (2) (b) of the statutes is amended to read:

SENATE BILL 40**SECTION 161**

1 19.55 (2) (b) Records obtained or prepared by the board in connection with an
2 investigation, except that the board shall permit inspection of records that are made
3 public in the course of a hearing by the board to determine if a violation of this
4 subchapter or subch. III of ch. 13 has occurred. Whenever the board refers such
5 investigation and hearing records to a district attorney or to the attorney general,
6 they may be made public in the course of a prosecution initiated under this
7 subchapter. The board shall also provide information from investigation and hearing
8 records that pertains to the location of individuals and assets of individuals as
9 requested under s. 49.22 (2m) by the department of ~~workforce development~~ children
10 and families or by a county child support agency under s. 59.53 (5).

11 **SECTION 162.** 19.55 (2) (d) of the statutes is amended to read:

12 19.55 (2) (d) Records of the social security number of any individual who files
13 an application for licensure as a lobbyist under s. 13.63 or who registers as a principal
14 under s. 13.64, except to the department of ~~workforce development~~ children and
15 families for purposes of administration of s. 49.22 or to the department of revenue
16 for purposes of administration of s. 73.0301.

17 **SECTION 163.** 19.82 (1) of the statutes is amended to read:

18 19.82 (1) “Governmental body” means a state or local agency, board,
19 commission, committee, council, department or public body corporate and politic
20 created by constitution, statute, ordinance, rule or order; a governmental or
21 quasi-governmental corporation except for the Bradley center sports and
22 entertainment corporation; a local exposition district under subch. II of ch. 229; a
23 family long-term care district under s. 46.2895; a nonprofit corporation operating
24 the Olympic ice training center under s. 42.11 (3); or a formally constituted subunit
25 of any of the foregoing, but excludes any such body or committee or subunit of such

SENATE BILL 40**SECTION 163**

1 body which is formed for or meeting for the purpose of collective bargaining under
2 subch. I, IV ~~or~~ V, or VI of ch. 111.

3 **SECTION 164.** 19.85 (3) of the statutes is amended to read:

4 19.85 (3) Nothing in this subchapter shall be construed to authorize a
5 governmental body to consider at a meeting in closed session the final ratification or
6 approval of a collective bargaining agreement under subch. I, IV ~~or~~ V, or VI of ch. 111
7 which has been negotiated by such body or on its behalf.

8 **SECTION 165.** 19.86 of the statutes is amended to read:

9 **19.86 Notice of collective bargaining negotiations.** Notwithstanding s.
10 19.82 (1), where notice has been given by either party to a collective bargaining
11 agreement under subch. I, IV ~~or~~ V, or VI of ch. 111 to reopen such agreement at its
12 expiration date, the employer shall give notice of such contract reopening as provided
13 in s. 19.84 (1) (b). If the employer is not a governmental body, notice shall be given
14 by the employer's chief officer or such person's designee. This section does not apply
15 to a nonprofit corporation operating the Olympic Ice Training Center under s. 42.11
16 (3).

17 **SECTION 166.** 20.001 (2) (e) of the statutes is amended to read:

18 20.001 (2) (e) *Federal revenues.* "Federal revenues" consist of moneys received
19 from the federal government, except that under s. ~~20.445 (3)~~ 20.437 (2) (md) "federal
20 revenues" also include moneys treated as refunds of expenditures, and under s.
21 ~~20.445 (3)~~ 20.437 (2) (me) "federal revenues" consist only of moneys treated as
22 received from the federal government. Federal revenues may be deposited as
23 program revenues in the general fund or as segregated revenues in a segregated
24 fund. In either case they are indicated in s. 20.005 by the addition of "-F" after the
25 abbreviation assigned under pars. (b) and (d).

SENATE BILL 40**SECTION 167**

1 **SECTION 167.** 20.001 (5) of the statutes is amended to read:

2 **20.001 (5) REFUNDS OF EXPENDITURES.** Any amount not otherwise appropriated
3 under this chapter that is received by a state agency as a result of an adjustment
4 made to a previously recorded expenditure from a sum certain appropriation to that
5 agency due to activities that are of a temporary nature or activities that could not be
6 anticipated during budget development and which serves to reduce or eliminate the
7 previously recorded expenditure in the same fiscal year in which the previously
8 recorded expenditure was made, except as provided in s. ~~20.445 (3)~~ 20.437 (2) (md),
9 may, upon request of the agency, be designated by the secretary of administration as
10 a refund of an expenditure. Except as otherwise provided in this subsection, the
11 secretary of administration may designate an amount received by a state agency as
12 a refund of an expenditure only if the agency submits to the secretary a written
13 explanation of the circumstances under which the amount was received that
14 includes a specific reference in a statutory or nonstatutory law to a function of the
15 agency under which the amount was received and the appropriation from which the
16 previously recorded expenditure was made. A refund of an expenditure shall be
17 deposited by the receiving state agency in the appropriation account from which the
18 previously recorded expenditure was made. Except as otherwise provided in this
19 subsection, a state agency which proposes to make an expenditure from moneys
20 designated as a refund of an expenditure shall submit to the secretary of
21 administration a written explanation of the purpose of the expenditure, including a
22 specific reference in a statutory or nonstatutory law to a function of the agency under
23 which the expenditure is to be made and the appropriation from which the
24 expenditure is to be made. After submission and approval of an estimate of the
25 amount proposed to be expended under s. 16.50 (2), a state agency may expend the

SENATE BILL 40**SECTION 167**

1 moneys received from the refund of the expenditure. The secretary of administration
2 may waive submission of any explanation required by this subsection for categories
3 of refunds of expenditures or proposed refunds of expenditures.

4 **SECTION 168.** 20.003 (4) (fm) of the statutes is repealed.

5 **SECTION 169.** 20.003 (4) (fr) of the statutes is repealed.

6 **SECTION 170.** 20.003 (4) (ft) of the statutes is amended to read:

7 20.003 (4) (ft) For fiscal year 2007–08, \$65,000,000 \$130,000,000.

8 **SECTION 171.** 20.003 (4) (fv) of the statutes is amended to read:

9 20.003 (4) (fv) For fiscal year 2008–09, \$65,000,000 \$130,000,000.

10 **SECTION 172.** 20.003 (4) (fw) of the statutes is created to read:

11 20.003 (4) (fw) For fiscal year 2009–10, \$130,000,000.

12 **SECTION 173.** 20.003 (4) (fx) of the statutes is created to read:

13 20.003 (4) (fx) For fiscal year 2010–11, \$130,000,000.

14 **SECTION 174.** 20.003 (4) (g) of the statutes is amended to read:

15 20.003 (4) (g) For fiscal year ~~2009–10~~ 2011–12 and each fiscal year thereafter,
16 2%.

17 **SECTION 175.** 20.005 (1) of the statutes is repealed and recreated to read:

18 20.005 (1) SUMMARY OF ALL FUNDS. The budget governing fiscal operations for
19 the state of Wisconsin for all funds beginning on July 1, 2007, and ending on June
20 30, 2009, is summarized as follows: [See Figure 20.005 (1) following]

SENATE BILL 40**SECTION 175**1
2
3**Figure: 20.005 (1)****GENERAL FUND SUMMARY**

	2007-08	2008-09
Opening Balance, July 1	\$ 80,147,100	\$ 131,000,600
Revenues and Transfers		
Taxes	\$12,883,300,000	\$13,309,500,000
Departmental Revenues		
Tribal Gaming	47,245,600	51,114,600
Other	<u>416,022,700</u>	<u>394,655,100</u>
Total Available	\$13,426,715,400	\$13,886,270,300
Appropriations, Transfers and Reserves		
Gross Appropriations	\$13,442,121,400	\$13,800,410,300
Compensation Reserves	67,784,500	172,546,700
Transfer to Medical Assistance Trust Fund	-0-	-0-
Less Lapses	<u>-214,191,100</u>	<u>-218,774,800</u>
Total Expenditures	\$13,295,714,800	\$13,754,182,200
Balances		
Gross Balance	\$ 131,000,600	\$ 132,088,100
Less Required Statutory Balance	<u>-130,000,000</u>	<u>-130,000,000</u>
Net Balance, June 30	\$ 1,000,600	\$ 2,088,100
Structural Balance	\$ 50,853,500	\$ 1,087,500

SUMMARY OF APPROPRIATIONS — ALL FUNDS

	2007-08	2008-09
General Purpose Revenue	\$13,442,121,400	\$13,800,410,300
Federal Revenue	7,255,959,900	7,499,021,600

SENATE BILL 40**SECTION 175**

	2007-08	2008-09
Program	6,434,556,600	6,671,373,100
Segregated	821,403,300	827,648,500
Program Revenue	4,056,339,100	4,204,529,600
Nonservice	3,241,223,100	3,353,389,900
Service	815,116,000	851,139,700
Segregated Revenue	3,665,184,900	3,803,200,200
State nonservice	3,354,979,900	3,490,313,800
Local	106,167,600	107,191,700
Service	204,037,400	205,694,700
GRAND TOTAL	\$ 28,419,605,300	\$ 29,307,161,700

SUMMARY OF COMPENSATION RESERVES — ALL FUNDS

General Purpose Revenue	\$ 67,784,500	\$ 172,546,700
Federal Revenue	36,589,600	93,760,400
Program Revenue	20,454,900	52,569,300
Segregated Revenue	<u>18,482,400</u>	<u>47,551,500</u>
TOTAL	\$ 143,311,400	\$ 366,427,800

LOTTERY FUND SUMMARY

	2007-08	2008-09
Gross Revenue	\$ 504,786,800	\$ 519,086,800
Expenses		
Prizes	\$ 280,519,800	\$ 302,879,300

SENATE BILL 40**SECTION 175**

	2007-08	2008-09
Administrative Expenses	<u>71,028,500</u>	<u>72,291,500</u>
	\$ 351,548,300	\$ 375,170,800
Net Proceeds	\$ 153,238,500	\$ 143,916,000
Total Available for Property Tax Relief		
Opening Balance	\$ 9,796,700	\$ 10,095,700
Net Proceeds	153,238,500	143,916,000
Interest Earnings	3,668,500	3,668,500
Gaming-related Revenue	<u>-0-</u>	<u>-0-</u>
	\$ 166,703,700	\$ 157,680,200
Property Tax Relief	\$ 156,608,000	\$ 147,298,500
Gross Closing Balance	\$ 10,095,700	\$ 10,381,700
Reserve	\$ <u>10,065,700</u>	\$ <u>10,381,700</u>
Net Closing Balance	\$ -0-	\$ -0-

1

2

SECTION 176. 20.005 (2) of the statutes is repealed and recreated to read:

3

20.005 (2) STATE BORROWING PROGRAM SUMMARY. The following schedule sets

4

forth the state borrowing program summary: [See Figures 20.005 (2) (a) and (b)

5

following]

SENATE BILL 40**SECTION 176**1
2
3

Figure: 20.005 (2) (a)

**SUMMARY OF BONDING AUTHORITY MODIFICATIONS
2007–09 FISCAL BIENNIUM**

Source and Purpose	Amount
GENERAL OBLIGATIONS	
Agriculture, Trade and Consumer Protection	
Soil and water	\$ 7,000,000
Environmental Improvement Fund	
Clean water fund program	49,500,000
Safe drinking water loan program	6,090,000
Natural Resources	
Contaminated sediment removal	17,000,000
Environmental repair	3,000,000
Nonpoint source	7,000,000
Nonpoint source grants	5,000,000
Urban nonpoint source cost-sharing	6,000,000
Transportation	
Harbor improvements	12,700,000
Marquette interchange reconstruction project	90,200,000
Rail acquisitions and improvements	22,000,000
Rail passenger route development	32,000,000
Veterans Affairs	
Self-amortizing facilities	<u>50,000,000</u>
TOTAL General Obligation Bonds	\$ 307,490,000

REVENUE OBLIGATIONS

SENATE BILL 40**SECTION 176**

Source and Purpose	Amount
Natural Resources	
Clean water fund	368,145,000
Transportation	
Major highway projects, transportation facilities	<u>383,963,100</u>
GRAND TOTAL General and Revenue Obligation	\$ 1,059,598,100
Bonding Authority Modifications	

1
2
3**Figure: 20.005 (2) (b)**

**GENERAL OBLIGATION AND
BUILDING CORPORATION DEBT SERVICE
FISCAL YEARS 2007–08 AND 2008–09**

STATUTE, AGENCY AND PURPOSE	SOURCE	2007–08	2008–09
<i>20.115 Agriculture, trade and consumer protection, department of</i>			
(2) (d) Principal repayment and interest	GPR	\$ 12,000	\$ 11,700
(7) (b) Principal repayment and interest, conservation reserve enhancement	GPR	1,007,800	2,006,400
(7) (f) Principal repayment and interest; soil and water	GPR	1,738,900	2,354,600
<i>20.190 State fair park board</i>			
(1) (c) Housing facilities principal repayment, interest and rebates	GPR	985,200	983,300
(1) (d) Principal repayment and interest	GPR	1,507,000	1,477,600
<i>20.225 Educational communications board</i>			
(1) (c) Principal repayment and interest	GPR	2,477,700	2,574,000
<i>20.245 Historical society</i>			
(1) (e) Principal repayment, interest, and rebates	GPR	2,031,600	2,716,600

SENATE BILL 40

STATUTE, AGENCY AND PURPOSE	SOURCE	2007-08	2008-09
<i>20.250 Medical College of Wisconsin</i>			
(1) (c) Principal repayment, interest, and rebates; biomedical research and technology incubator	GPR	1,807,000	2,021,800
(1) (e) Principal repayment and interest	GPR	169,400	167,100
<i>20.255 Public instruction, department of</i>			
(1) (d) Principal repayment and interest	GPR	1,133,400	1,096,100
<i>20.285 University of Wisconsin System</i>			
(1) (d) Principal repayment and interest	GPR	134,407,000	137,570,900
(1) (db) Self-amortizing facilities principal and interest	GPR	-0-	-0-
<i>20.320 Environmental improvement program</i>			
(1) (c) Principal repayment and interest – clean water fund program	GPR	42,127,000	46,675,500
(2) (c) Principal repayment and interest – safe drinking water loan program	GPR	2,765,800	3,015,000
<i>20.370 Natural resources, department of</i>			
(7) (aa) Resource acquisition and development – principal repayment and interest	GPR	42,021,100	47,527,600
(7) (ac) Principal repayment and interest – recreational boating bonds	GPR	-0-	-0-
(7) (ca) Principal repayment and interest – nonpoint source grants	GPR	6,654,400	7,068,700
(7) (cb) Principal repayment and interest – pollution abatement bonds	GPR	46,284,400	44,667,900

SENATE BILL 40

STATUTE, AGENCY AND PURPOSE	SOURCE	2007-08	2008-09
(7) (cc) Principal repayment and interest – combined sewer overflow; pollution abatement bonds	GPR	15,275,200	14,380,300
(7) (cd) Principal repayment and interest – municipal clean drinking water grants	GPR	942,400	1,487,500
(7) (ce) Principal repayment and interest – nonpoint source	GPR	261,500	324,100
(7) (cf) Principal repayment and interest – urban nonpoint source cost-sharing	GPR	1,531,000	1,875,200
(7) (ea) Administrative facilities – principal repayment and interest	GPR	817,000	824,200
<i>20.395 Transportation, department of</i>			
(6) (af) Principal repayment and interest, local roads for job preservation program and major highway and rehabilitation projects, state funds	GPR	58,890,700	47,114,400
<i>20.410 Corrections, department of</i>			
(1) (e) Principal repayment and interest	GPR	74,592,500	73,637,000
(3) (e) Principal repayment and interest	GPR	4,877,500	4,900,400
<i>20.435 Health and family services, department of</i>			
(2) (ee) Principal repayment and interest	GPR	13,756,000	13,592,200
(6) (e) Principal repayment and interest	GPR	68,400	66,500
<i>20.465 Military affairs, department of</i>			
(1) (d) Principal repayment and interest	GPR	4,173,400	4,265,700

SENATE BILL 40**SECTION 176**

STATUTE, AGENCY AND PURPOSE	SOURCE	2007-08	2008-09
<i>20.485 Veterans affairs, department of</i>			
(1) (f) Principal repayment and interest	GPR	1,547,500	1,536,400
<i>20.505 Administration, department of</i>			
(4) (es) Principal, interest, and rebates; general purpose revenue – schools	GPR	3,167,500	3,164,800
(4) (et) Principal, interest, and rebates; general purpose revenue – public library boards	GPR	19,900	19,900
(5) (c) Principal repayment and interest; Black Point Estate	GPR	113,400	127,700
<i>20.855 Miscellaneous appropriations</i>			
(8) (a) Dental clinic and education facility; principal repayment, interest and rebates	GPR	997,800	992,800
<i>20.867 Building commission</i>			
(1) (a) Principal repayment and interest; housing of state agencies	GPR	-0-	-0-
(1) (b) Principal repayment and interest; capitol and executive residence	GPR	10,778,800	10,522,900
(3) (a) Principal repayment and interest	GPR	25,455,200	41,372,000
(3) (b) Principal repayment and interest	GPR	2,009,200	2,786,700
(3) (bm) Principal repayment, interest, and rebates; HR Academy, Inc.	GPR	112,800	116,300
(3) (bp) Principal repayment, interest and rebates	GPR	-0-	30,000
(3) (bq) Principal repayment, interest and rebates	GPR	772,100	806,300
(3) (br) Principal repayment, interest and rebates	GPR	86,100	84,400

SENATE BILL 40

STATUTE, AGENCY AND PURPOSE	SOURCE	2007-08	2008-09
(3) (bt) Principal repayment, interest, and rebates; Discovery Place museum	GPR	<u>-0-</u>	<u>30,000</u>
TOTAL General Purpose Revenue Debt Service		\$507,375,600	\$525,992,500
<i>20.190 State Fair Park Board</i>			
(1) (i) State fair capital expenses	PR	\$ 3,707,200	\$ 3,865,100
<i>20.225 Educational communications board</i>			
(1) (i) Program revenue facilities; principal repayment, interest, and rebates	PR	13,100	13,300
<i>20.245 Historical society</i>			
(1) (j) Self-amortizing facilities; principal repayment, interest, and rebates	PR	103,500	96,600
<i>20.285 University of Wisconsin System</i>			
(1) (jq) Steam and chilled-water plant; principal repayment, interest, and rebates; nonstate entities	PR	877,400	880,700
(1) (kd) Principal repayment, interest and rebates	PR-S	65,019,700	72,716,800
(1) (km) Aquaculture demonstration facility; principal repayment and interest	PR-S	261,700	260,100
(1) (ko) Steam and chilled-water plant; principal repayment, interest and rebates	PR	4,971,600	4,990,400
<i>20.370 Natural resources, department of</i>			
(7) (ag) Land acquisition – principal repayment and interest	PR	-0-	-0-
(7) (cg) Principal repayment and interest – nonpoint repayments	PR	-0-	-0-

SENATE BILL 40**SECTION 176**

STATUTE, AGENCY AND PURPOSE	SOURCE	2007-08	2008-09
<i>20.410 Corrections, department of</i>			
(1) (ko) Prison industries principal repayment, interest and rebates	PR-S	117,600	386,500
<i>20.485 Veterans affairs, department of</i>			
(1) (go) Self-amortizing housing facilities; principal repayment and interest	PR	1,578,800	2,522,600
<i>20.505 Administration, department of</i>			
(4) (ha) Principal, interest, and rebates; program revenue – schools	PR	1,255,100	1,260,200
(4) (hb) Principal, interest, and rebates; program revenue – public library boards	PR	11,500	11,500
(5) (g) Principal repayment, interest and rebates; parking	PR-S	1,796,400	1,796,000
(5) (kc) Principal repayment, interest and rebates	PR-S	18,624,100	18,137,300
<i>20.867 Building commission</i>			
(3) (g) Principal repayment, interest and rebates; program revenues	PR	-0-	-0-
(3) (i) Principal repayment, interest and rebates; capital equipment	PR	<u>-0-</u>	<u>-0-</u>
TOTAL Program Revenue Debt Service		\$ 98,337,700	\$106,937,100
<i>20.115 Agriculture, trade and consumer protection, department of</i>			
(7) (s) Principal repayment and interest; soil and water, environmental fund	SEG	\$ 847,700	\$ 847,700
<i>20.320 Environmental improvement program</i>			
(1) (t) Principal repayment and interest – clean water fund program bonds	SEG	6,000,000	6,000,000

SENATE BILL 40

STATUTE, AGENCY AND PURPOSE	SOURCE	2007-08	2008-09
<i>20.370 Natural resources, department of</i>			
(7) (aq) Resource acquisition and development – principal repayment and interest	SEG	233,800	153,300
(7) (ar) Dam repair and removal – principal repayment and interest	SEG	508,600	523,200
(7) (at) Recreation development – principal repayment and interest	SEG	-0-	-0-
(7) (au) State forest acquisition and development – principal repayment and interest	SEG	13,500,000	13,500,000
(7) (bq) Principal repayment and interest – remedial action	SEG	3,747,600	4,086,000
(7) (br) Principal repayment and interest – contaminated sediment	SEG	-0-	-0-
(7) (eq) Administrative facilities – principal repayment and interest	SEG	2,647,000	3,174,300
(7) (er) Administrative facilities – principal repayment and interest; environmental fund	SEG	481,900	580,100
<i>20.395 Transportation, department of</i>			
(6) (aq) Principal repayment and interest, transportation facilities, state funds	SEG	5,434,300	6,885,600
(6) (ar) Principal repayment and interest, buildings, state funds	SEG	8,500	8,500
(6) (au) Principal repayment and interest, Marquette interchange and I 94 north-south corridor reconstruction projects, state funds	SEG	16,920,800	16,920,200

SENATE BILL 40

STATUTE, AGENCY AND PURPOSE	SOURCE	2007-08	2008-09
(6) (bq) Principal repayment and interest, major highway and rehabilitation projects, state funds	SEG	26,600,000	43,300,000
20.485 Veterans affairs, department of			
(3) (t) Debt service	SEG	33,378,900	32,059,200
(4) (qm) Repayment of principal and interest	SEG	99,100	98,600
20.867 Building commission			
(3) (q) Principal repayment and interest; segregated revenues	SEG	-0-	-0-
TOTAL Segregated Revenue Debt Service		\$ 110,408,200	\$ 128,136,700
GRAND TOTAL All Debt Service		\$ 716,121,500	\$ 761,066,300

1 **SECTION 177.** 20.005 (3) of the statutes is repealed and recreated to read:

2 20.005 **(3)** APPROPRIATIONS. The following schedule sets forth all annual,
3 biennial, and sum certain continuing appropriations and anticipated expenditures
4 from other appropriations for the programs and other purposes indicated. All
5 appropriations are made from the general fund unless otherwise indicated. The
6 letter abbreviations shown designating the type of appropriation apply to both fiscal
7 years in the schedule unless otherwise indicated. [See Figure 20.005 (3) following]

8
9 **Figure: 20.005 (3)**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
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Commerce

11 **20.115 Agriculture, trade and consumer protection, department of**

12 (1) FOOD SAFETY AND CONSUMER PROTECTION

(a) General program operations	GPR	A	-0-	-0-
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SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	Food inspection	GPR	A	3,777,600	3,777,600
2	Meat and poultry inspection	GPR	A	3,327,900	3,327,900
3	Trade and consumer protection	GPR	A	2,447,100	2,447,100
	NET APPROPRIATION			9,552,600	9,552,600
4	(g) Related services	PR	A	50,500	50,500
5	(gb) Food regulation	PR	A	4,910,800	4,910,800
6	(gf) Fruit and vegetable inspection	PR	C	988,000	988,000
7	(gh) Public warehouse regulation	PR	A	108,900	108,900
8	(gm) Dairy trade regulation	PR	A	191,000	191,000
9	(h) Grain inspection and certification	PR	C	1,363,300	1,363,300
10	(hm) Ozone-depleting refrigerants and				
11	products regulation	PR	A	491,900	491,900
12	(i) Sale of supplies	PR	A	30,000	30,000
13	(j) Weights and measures inspection	PR	A	1,275,400	1,276,300
14	(jb) Consumer protection, information,				
15	and education	PR	A	175,000	175,000
16	(m) Federal funds	PR-F	C	4,213,100	4,213,100
17	(q) Dairy, grain, and vegetable security	SEG	A	1,270,200	1,272,300
18	(r) Unfair sales act enforcement	SEG	A	224,300	224,300
19	(s) Weights and measures; petroleum				
20	inspection fund	SEG	A	644,900	644,900
21	(u) Recyclable and nonrecyclable				
22	products regulation	SEG	A	-0-	-0-

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(v) Agricultural producer security;				
2	contingent financial backing	SEG	S	350,000	350,000
3	(w) Agricultural producer security;				
4	payments	SEG	S	2,000,000	2,000,000
5	(wb) Agricultural producer security;				
6	proceeds of contingent financial				
7	backing	SEG	C	-0-	-0-
8	(wc) Agricultural producer security;				
9	repayment of contingent financial				
10	backing	SEG	S	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,552,600	9,552,600
	PROGRAM REVENUE			13,797,900	13,798,800
	FEDERAL			(4,213,100)	(4,213,100)
	OTHER			(9,584,800)	(9,585,700)
	SEGREGATED FUNDS			4,489,400	4,491,500
	OTHER			(4,489,400)	(4,491,500)
	TOTAL-ALL SOURCES			27,839,900	27,842,900
11	(2) ANIMAL HEALTH SERVICES				
12	(a) General program operations	GPR	A	2,623,600	2,623,600
13	(b) Animal disease indemnities	GPR	S	108,600	108,600
14	(c) Financial assistance for				
15	paratuberculosis testing	GPR	A	250,000	250,000
16	(d) Principal repayment and interest	GPR	S	12,000	11,700
17	(g) Related services	PR	C	-0-	-0-
18	(h) Sale of supplies	PR	A	30,300	30,300
19	(ha) Inspection, testing and enforcement	PR	C	664,200	664,200

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(j) Dog licenses, rabies control, and				
2	related services	PR	C	166,900	166,900
3	(m) Federal funds	PR-F	C	3,008,100	3,008,100
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,994,200	2,993,900
	PROGRAM REVENUE			3,869,500	3,869,500
	FEDERAL			(3,008,100)	(3,008,100)
	OTHER			(861,400)	(861,400)
	TOTAL-ALL SOURCES			6,863,700	6,863,400
4	(3) AGRICULTURAL DEVELOPMENT SERVICES				
5	(a) General program operations	GPR	A	2,052,700	2,052,700
6	(g) Related services	PR	A	-0-	-0-
7	(h) Loans for rural development	PR	C	62,500	62,500
8	(i) Marketing orders and agreements	PR	C	89,000	89,000
9	(j) Stray voltage program	PR	A	521,600	521,600
10	(ja) Agricultural development services				
11	and materials	PR	C	152,000	152,000
12	(jm) Stray voltage program; rural				
13	electric cooperatives	PR	A	25,300	25,300
14	(L) Something special from Wisconsin				
15	promotion	PR	A	30,500	30,500
16	(m) Federal funds	PR-F	C	3,637,900	3,637,900
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,052,700	2,052,700
	PROGRAM REVENUE			4,518,800	4,518,800
	FEDERAL			(3,637,900)	(3,637,900)
	OTHER			(880,900)	(880,900)
	TOTAL-ALL SOURCES			6,571,500	6,571,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09	
1	(4) AGRICULTURAL ASSISTANCE					
2	(a) Aid to Wisconsin livestock breeders					
3	association	GPR	A	-0-	-0-	
4	(b) Aids to county and district fairs	GPR	A	250,000	250,000	
5	(c) Agricultural investment aids	GPR	B	380,000	380,000	
6	(e) Aids to World Dairy Expo, Inc.	GPR	A	23,700	23,700	
7	(f) Exposition center grants	GPR	A	216,300	216,300	
8	(q) Grants for agriculture in the					
9	classroom program	SEG	A	100,000	100,000	
10	(t) Anaerobic digester research and					
11	development	SEG	B	250,000	-0-	
	(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			870,000	870,000	
	SEGREGATED FUNDS			350,000	100,000	
	OTHER			(350,000)	(100,000)	
	TOTAL-ALL SOURCES			1,220,000	970,000	
12	(7) AGRICULTURAL RESOURCE MANAGEMENT					
13	(a) General program operations	GPR	A	798,300	798,300	
14	(b) Principal repayment and interest,					
15	conservation reserve enhancement	GPR	S	1,007,800	2,006,400	
16	(c) Soil and water resource					
17	management program	GPR	C	5,081,900	5,081,900	
18	(f) Principal repayment and interest,					
19	soil and water	GPR	S	1,738,900	2,354,600	
20	(g) Agricultural impact statements	PR	C	255,500	255,500	

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ga) Related services	PR	C	132,500	137,400
2	(gm) Seed testing and labeling	PR	C	79,900	79,900
3	(h) Fertilizer research assessments	PR	C	160,500	160,500
4	(ha) Liming material research funds	PR	C	25,000	25,000
5	(ja) Plant protection	PR	C	203,700	203,700
6	(k) Agricultural resource management				
7	services	PR-S	C	594,500	594,500
8	(m) Federal funds	PR-F	C	1,115,500	1,115,500
9	(qc) Plant protection; conservation fund	SEG	A	1,555,500	1,560,400
10	(qd) Soil and water management;				
11	environmental fund	SEG	A	11,911,000	13,911,000
12	(r) General program operations;				
13	agricultural management	SEG	A	5,989,400	5,954,400
14	(s) Principal repayment and interest;				
15	soil and water, environmental fund	SEG	A	847,700	847,700
16	(va) Clean sweep grants	SEG	A	1,000,000	1,000,000
17	(wm) Agricultural chemical cleanup				
18	reimbursement	SEG	C	3,250,000	3,250,000
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			8,626,900	10,241,200
	PROGRAM REVENUE			2,567,100	2,572,000
	FEDERAL			(1,115,500)	(1,115,500)
	OTHER			(857,100)	(862,000)
	SERVICE			(594,500)	(594,500)
	SEGREGATED FUNDS			24,553,600	26,523,500
	OTHER			(24,553,600)	(26,523,500)
	TOTAL-ALL SOURCES			35,747,600	39,336,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(8) CENTRAL ADMINISTRATIVE SERVICES				
2	(a) General program operations	GPR	A	5,486,500	5,486,500
3	(g) Gifts and grants	PR	C	764,200	764,200
4	(gm) Enforcement cost recovery	PR	A	5,000	5,000
5	(h) Sale of material and supplies	PR	C	11,400	11,400
6	(ha) General laboratory related services	PR	C	50,200	50,200
7	(hm) Restitution	PR	C	-0-	-0-
8	(i) Related services	PR	A	100,000	100,000
9	(j) Electronic processing	PR	C	-0-	-0-
10	(jm) Telephone solicitation regulation	PR	C	725,100	725,100
11	(k) Computer system equipment, staff				
12	and services	PR-S	A	2,104,300	2,104,300
13	(kL) Central services	PR-S	C	1,032,600	1,032,600
14	(km) General laboratory services	PR-S	B	2,786,600	2,789,000
15	(ks) State services	PR-S	C	40,100	40,100
16	(m) Federal funds	PR-F	C	1,400,000	1,400,000
17	(pz) Indirect cost reimbursements	PR-F	C	1,779,900	1,779,900
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			5,486,500	5,486,500
	PROGRAM REVENUE			10,799,400	10,801,800
	FEDERAL			(3,179,900)	(3,179,900)
	OTHER			(1,655,900)	(1,655,900)
	SERVICE			(5,963,600)	(5,966,000)
	TOTAL-ALL SOURCES			16,285,900	16,288,300
	20.115 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			29,582,900	31,196,900
	PROGRAM REVENUE			35,552,700	35,560,900
	FEDERAL			(15,154,500)	(15,154,500)

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
	OTHER			(13,840,100)	(13,845,900)
	SERVICE			(6,558,100)	(6,560,500)
	SEGREGATED FUNDS			29,393,000	31,115,000
	OTHER			(29,393,000)	(31,115,000)
	TOTAL-ALL SOURCES			94,528,600	97,872,800
1	20.143 Commerce, department of				
2	(1) ECONOMIC AND COMMUNITY DEVELOPMENT				
3	(a) General program operations	GPR	A	4,249,800	4,249,800
4	(b) Economic development promotion,				
5	plans and studies	GPR	A	30,000	30,000
6	(bm) Aid to Forward Wisconsin, Inc.	GPR	A	320,000	320,000
7	(br) Brownfields grant program; general				
8	purpose revenue	GPR	A	-0-	-0-
9	(c) Wisconsin development fund;				
10	grants, loans, reimbursements, and				
11	assistance	GPR	B	8,348,400	9,098,400
12	(cf) Community-based, nonprofit				
13	organization grant for educational				
14	project	GPR	A	-0-	-0-
15	(cm) Economic development advertising,				
16	marketing, and promotion	GPR	A	590,000	590,000
17	(d) High-technology business				
18	development corporation	GPR	A	250,000	250,000
19	(dr) Main street program	GPR	A	408,300	408,300
20	(e) Technology-based economic				
21	development	GPR	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(em) Hazardous pollution prevention;				
2	contract	GPR	A	-0-	-0-
3	(er) Rural economic development				
4	program	GPR	B	606,500	606,500
5	(ew) International trade, business and				
6	economic development grant	GPR	B	-0-	-0-
7	(fg) Community-based economic				
8	development programs	GPR	A	712,100	712,100
9	(fi) Wisconsin venture center	GPR	A	1,000,000	1,000,000
10	(fj) Manufacturing extension center				
11	grants	GPR	A	850,000	850,000
12	(fm) Minority business projects; grants				
13	and loans	GPR	B	254,200	254,200
14	(fy) Women's business incubator grant	GPR	B	-0-	-0-
15	(g) Gifts, grants, and proceeds	PR	C	487,300	487,300
16	(gc) Business development assistance				
17	center	PR	C	-0-	-0-
18	(gm) Wisconsin development fund,				
19	administration of grants and loans	PR	C	51,100	51,100
20	(gr) Woman-owned business				
21	certification processing fees	PR	C	310,000	310,000
22	(h) Economic development operations	PR	A	-0-	-0-
23	(hm) Certified capital companies	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ie) Wisconsin development fund,				
2	repayments	PR	C	4,050,000	4,050,000
3	(if) Mining economic development				
4	grants and loans; repayments	PR	C	-0-	-0-
5	(ig) Gaming economic development and				
6	diversification; repayments	PR	B	-0-	-0-
7	(im) Minority business projects;				
8	repayments	PR	C	317,200	317,200
9	(ir) Rural economic development loan				
10	repayments	PR	C	120,100	120,100
11	(jc) Physician and dentist and health				
12	care prov loan assistance pgm;				
13	penalties	PR	C	-0-	-0-
14	(jL) Health care provider loan				
15	assistance program; local				
16	contributions	PR	C	-0-	-0-
17	(jm) Physician and dentist loan				
18	assistance program; local				
19	contributions	PR	C	-0-	-0-
20	(jp) Manufactured housing				
21	rehabilitation and recycling;				
22	program revenue	PR	A	70,000	70,000
23	(k) Sale of materials or services	PR-S	C	-0-	-0-
24	(ka) Sale of materials and services —				
25	local assistance	PR-S	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(kb) Sale of materials and services —				
2	individuals and organizations	PR-S	C	-0-	-0-
3	(kc) Clean air act compliance assistance	PR-S	A	234,400	234,400
4	(kf) American Indian economic				
5	development; technical assistance	PR-S	A	94,000	94,000
6	(kg) American Indian economic liaison				
7	and gaming grants specialist and				
8	pgm mktg	PR-S	A	112,800	112,800
9	(kh) American Indian economic				
10	development; liaison-grants	PR-S	A	-0-	-0-
11	(kj) Gaming economic development and				
12	diversification; grants and loans	PR-S	B	2,538,700	2,538,700
13	(kr) Physician and dent and hlth care				
14	prov loan assist pgms; repay and				
15	contract	PR-S	B	488,700	488,700
16	(kt) Funds transferred from other state				
17	agencies	PR-S	C	-0-	-0-
18	(m) Federal aid, state operations	PR-F	C	1,231,300	1,231,300
19	(n) Federal aid, local assistance	PR-F	C	34,400,000	34,400,000
20	(o) Federal aid, individuals and				
21	organizations	PR-F	C	-0-	-0-
22	(qa) Brownfields redevelopment				
23	activities; administration	SEG	A	216,000	216,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(qm) Brownfields grant program and				
2	related grants; environmental fund	SEG	A	7,000,000	7,000,000
3	(r) Mining economic development				
4	grants and loans	SEG	C	-0-	-0-
5	(tm) Wisconsin development fund grants				
6	and loans; recycling fund	SEG	B	15,000,000	15,000,000
7	(um) Wisconsin development fund,				
8	administration; recycling fund	SEG	A	50,900	57,800
9	(x) Industrial building construction				
10	loan fund	SEG	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			17,619,300	18,369,300
	PROGRAM REVENUE			44,505,600	44,505,600
	FEDERAL			(35,631,300)	(35,631,300)
	OTHER			(5,405,700)	(5,405,700)
	SERVICE			(3,468,600)	(3,468,600)
	SEGREGATED FUNDS			22,266,900	22,273,800
	OTHER			(22,266,900)	(22,273,800)
	TOTAL-ALL SOURCES			84,391,800	85,148,700
11	(2) HOUSING ASSISTANCE				
12	(a) General program operations	GPR	A	641,600	641,600
13	(b) Housing grants and loans; general				
14	purpose revenue	GPR	B	-0-	-0-
15	(c) Payments to designated agents	GPR	A	-0-	-0-
16	(fm) Shelter for homeless and				
17	transitional housing grants	GPR	A	-0-	-0-
18	(fr) Mental health for homeless				
19	individuals	GPR	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(gm) Housing grants and loans; surplus				
2	transfer	PR	B	2,000,000	2,000,000
3	(h) Funding for the homeless	PR	C	-0-	-0-
4	(k) Sale of materials or services	PR-S	C	-0-	-0-
5	(kg) Housing program services	PR-S	C	6,909,900	6,909,900
6	(m) Federal aid; state operations	PR-F	C	845,900	845,900
7	(n) Federal aid; local assistance	PR-F	C	-0-	-0-
8	(o) Federal aid; individuals and				
9	organizations	PR-F	C	35,565,600	35,565,600
10	(r) Housing grants and loans;				
11	affordable housing trust fund	SEG	B	1,300,300	1,300,300
12	(s) Payments to designated agents;				
13	affordable housing trust fund	SEG	A	-0-	-0-
14	(t) Shelter for homeless and				
15	transitional housing grants;				
16	affordable housing	SEG	A	2,506,000	2,506,000
17	(u) Mental health for homeless				
18	individuals; affordable housing				
19	trust fund	SEG	A	45,000	45,000
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			641,600	641,600
	PROGRAM REVENUE			45,321,400	45,321,400
	FEDERAL			(36,411,500)	(36,411,500)
	OTHER			(2,000,000)	(2,000,000)
	SERVICE			(6,909,900)	(6,909,900)
	SEGREGATED FUNDS			3,851,300	3,851,300
	OTHER			(3,851,300)	(3,851,300)
	TOTAL-ALL SOURCES			49,814,300	49,814,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(3) REGULATION OF INDUSTRY, SAFETY AND BUILDINGS				
2	(a) General program operations	GPR	A	-0-	-0-
3	(de) Private sewage system replacement				
4	and rehabilitation	GPR	C	2,999,000	2,999,000
5	(dm) Storage tank inventory	GPR	A	-0-	-0-
6	(g) Gifts and grants	PR	C	18,000	18,000
7	(ga) Auxiliary services	PR	C	25,000	25,000
8	(gb) Local agreements	PR	C	-0-	-0-
9	(h) Local energy resource system fees	PR	A	-0-	-0-
10	(j) Safety and building operations	PR	A	17,462,600	17,462,600
11	(ka) Interagency agreements	PR-S	C	125,500	125,500
12	(ks) Data processing	PR-S	C	-0-	-0-
13	(L) Fire dues distribution	PR	C	14,100,000	14,100,000
14	(La) Fire prevention and fire dues				
15	administration	PR	A	697,600	697,600
16	(Lm) Petroleum storage remedial action				
17	fees	PR	A	-0-	-0-
18	(m) Federal funds	PR-F	C	1,676,700	1,676,700
19	(ma) Federal aid – program				
20	administration	PR-F	C	-0-	-0-
21	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
22	(q) Groundwater – standards;				
23	implementation	SEG	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(r) Safety and building operations;				
2	petroleum inspection fund	SEG	A	5,547,400	5,547,400
3	(sm) Diesel truck idling reduction grants	SEG	A	1,000,000	1,000,000
4	(sn) Diesel truck idling reduction grant				
5	administration	SEG	A	70,400	70,400
6	(t) Petroleum inspection fund –				
7	revenue obligation repayment	SEG	S	–0–	–0–
8	(v) Petroleum storage environmental				
9	remedial action; awards	SEG	B	20,000,000	20,000,000
10	(w) Petroleum storage environmental				
11	remedial action; administration	SEG	A	2,824,300	2,824,300
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,999,000	2,999,000
	PROGRAM REVENUE			34,105,400	34,105,400
	FEDERAL			(1,676,700)	(1,676,700)
	OTHER			(32,303,200)	(32,303,200)
	SERVICE			(125,500)	(125,500)
	SEGREGATED FUNDS			29,442,100	29,442,100
	OTHER			(29,442,100)	(29,442,100)
	TOTAL-ALL SOURCES			66,546,500	66,546,500
12	(4) EXECUTIVE AND ADMINISTRATIVE SERVICES				
13	(a) General program operations	GPR	A	1,545,800	1,460,800
14	(g) Gifts, grants and proceeds	PR	C	12,000	12,000
15	(k) Sale of materials or services	PR-S	C	42,200	42,200
16	(ka) Sale of materials and services —				
17	local assistance	PR-S	C	–0–	–0–
18	(kb) Sale of materials and services —				
19	individuals and organizations	PR-S	C	–0–	–0–

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(kd) Administrative services	PR-S	A	3,715,900	3,715,900
2	(ke) Transfer of unappropriated				
3	balances	PR-S	C	-0-	-0-
4	(m) Federal aid, state operations	PR-F	C	-0-	-0-
5	(n) Federal aid, local assistance	PR-F	C	-0-	-0-
6	(o) Federal aid, individuals and				
7	organizations	PR-F	C	-0-	-0-
8	(pz) Indirect cost reimbursements	PR-F	C	440,900	440,900
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,545,800	1,460,800
	PROGRAM REVENUE			4,211,000	4,211,000
	FEDERAL			(440,900)	(440,900)
	OTHER			(12,000)	(12,000)
	SERVICE			(3,758,100)	(3,758,100)
	TOTAL-ALL SOURCES			5,756,800	5,671,800
20.143 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			22,805,700	23,470,700
	PROGRAM REVENUE			128,143,400	128,143,400
	FEDERAL			(74,160,400)	(74,160,400)
	OTHER			(39,720,900)	(39,720,900)
	SERVICE			(14,262,100)	(14,262,100)
	SEGREGATED FUNDS			55,560,300	55,567,200
	OTHER			(55,560,300)	(55,567,200)
	TOTAL-ALL SOURCES			206,509,400	207,181,300
9	20.144 Financial institutions, department of				
10	(1) SUPERVISION OF FINANCIAL INSTITUTIONS, SECURITIES REG. AND OTHER FUNCTIONS				
11	(a) Losses on public deposits	GPR	S	-0-	-0-
12	(g) General program operations	PR	A	14,875,000	14,875,000
13	(h) Gifts, grants, settlements and				
14	publications	PR	C	65,000	65,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(i) Investor education fund	PR	A	100,000	100,000
2	(u) State deposit fund	SEG	S	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			15,040,000	15,040,000
	OTHER			(15,040,000)	(15,040,000)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			15,040,000	15,040,000
3	(2) OFFICE OF CREDIT UNIONS				
4	(g) General program operations	PR	A	1,923,700	1,936,100
5	(m) Credit union examinations, federal				
6	funds	PR-F	C	-0-	-0-
(2) PROGRAM TOTALS					
	PROGRAM REVENUE			1,923,700	1,936,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,923,700)	(1,936,100)
	TOTAL-ALL SOURCES			1,923,700	1,936,100
20.144 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			16,963,700	16,976,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(16,963,700)	(16,976,100)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			16,963,700	16,976,100
7	20.145 Insurance, office of the commissioner of				
8	(1) SUPERVISION OF THE INSURANCE INDUSTRY				
9	(g) General program operations	PR	A	15,725,000	15,774,900
10	(gm) Gifts and grants	PR	C	-0-	-0-
11	(h) Holding company restructuring				
12	expenses	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(m) Federal funds	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	PROGRAM REVENUE			15,725,000	15,774,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(15,725,000)	(15,774,900)
	TOTAL-ALL SOURCES			15,725,000	15,774,900
2	(2) INJURED PATIENTS AND FAMILIES COMPENSATION FUND				
3	(q) Interest earned on future medical				
4	expenses	SEG	S	-0-	-0-
5	(u) Administration	SEG	A	1,579,100	1,179,300
6	(um) Peer review council	SEG	A	135,000	135,000
7	(v) Specified responsibilities, inv. board				
8	payments and future medical				
9	expenses	SEG	C	54,697,400	54,697,400
	(2) PROGRAM TOTALS				
	SEGREGATED FUNDS			56,411,500	56,011,700
	OTHER			(56,411,500)	(56,011,700)
	TOTAL-ALL SOURCES			56,411,500	56,011,700
10	(3) LOCAL GOVERNMENT PROPERTY INSURANCE FUND				
11	(u) Administration	SEG	A	898,500	898,500
12	(v) Specified payments, fire dues and				
13	reinsurance	SEG	C	26,926,600	26,926,600
	(3) PROGRAM TOTALS				
	SEGREGATED FUNDS			27,825,100	27,825,100
	OTHER			(27,825,100)	(27,825,100)
	TOTAL-ALL SOURCES			27,825,100	27,825,100
14	(4) STATE LIFE INSURANCE FUND				
15	(u) Administration	SEG	A	621,000	621,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(v) Specified payments and losses	SEG	C	3,564,000	3,564,000
	(4) PROGRAM TOTALS				
	SEGREGATED FUNDS			4,185,000	4,185,000
	OTHER			(4,185,000)	(4,185,000)
	TOTAL-ALL SOURCES			4,185,000	4,185,000
	20.145 DEPARTMENT TOTALS				
	PROGRAM REVENUE			15,725,000	15,774,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(15,725,000)	(15,774,900)
	SEGREGATED FUNDS			88,421,600	88,021,800
	OTHER			(88,421,600)	(88,021,800)
	TOTAL-ALL SOURCES			104,146,600	103,796,700
2	20.147 Healthy Wisconsin authority				
3	(1) INITIAL AND OPERATING COSTS				
4	(q) Establishment and operation	SEG	C	500,000	500,000
	20.147 DEPARTMENT TOTALS				
	SEGREGATED FUNDS			500,000	500,000
	OTHER			(500,000)	(500,000)
	TOTAL-ALL SOURCES			500,000	500,000
5	20.155 Public service commission				
6	(1) REGULATION OF PUBLIC UTILITIES				
7	(g) Utility regulation	PR	A	15,657,900	15,657,900
8	(h) Holding company and nonutility				
9	affiliate regulation	PR	C	681,900	681,900
10	(j) Intervenor financing	PR	A	750,000	750,000
11	(L) Stray voltage program	PR	A	227,700	227,700
12	(Lb) Gifts for stray voltage program	PR	C	-0-	-0-
13	(Lm) Consumer education and awareness	PR	C	-0-	-0-
14	(m) Federal funds	PR-F	C	165,100	165,100

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(n) Indirect costs reimbursement	PR-F	C	50,000	50,000
2	(q) Universal telecommunications				
3	service	SEG	A	6,000,000	6,000,000
4	(r) Nuclear waste escrow fund	SEG	S	-0-	-0-
	(1) PROGRAM TOTALS				
	PROGRAM REVENUE			17,532,600	17,532,600
	FEDERAL			(215,100)	(215,100)
	OTHER			(17,317,500)	(17,317,500)
	SEGREGATED FUNDS			6,000,000	6,000,000
	OTHER			(6,000,000)	(6,000,000)
	TOTAL-ALL SOURCES			23,532,600	23,532,600
5	(2) OFFICE OF THE COMMISSIONER OF RAILROADS				
6	(g) Railroad regulation and general				
7	program operations	PR	A	476,700	476,700
8	(m) Railroad regulation; federal funds	PR-F	C	-0-	-0-
	(2) PROGRAM TOTALS				
	PROGRAM REVENUE			476,700	476,700
	FEDERAL			(-0-)	(-0-)
	OTHER			(476,700)	(476,700)
	TOTAL-ALL SOURCES			476,700	476,700
9	(3) AFFILIATED GRANT PROGRAMS				
10	(q) General program operations and				
11	grants	SEG	C	3,026,400	3,026,400
12	(s) Energy efficiency and renewable				
13	resource programs	SEG	A	376,400	376,400
	(3) PROGRAM TOTALS				
	SEGREGATED FUNDS			3,402,800	3,402,800
	OTHER			(3,402,800)	(3,402,800)
	TOTAL-ALL SOURCES			3,402,800	3,402,800
	20.155 DEPARTMENT TOTALS				
	PROGRAM REVENUE			18,009,300	18,009,300

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
	FEDERAL			(215,100)	(215,100)
	OTHER			(17,794,200)	(17,794,200)
	SEGREGATED FUNDS			9,402,800	9,402,800
	OTHER			(9,402,800)	(9,402,800)
	TOTAL-ALL SOURCES			27,412,100	27,412,100
1	20.165 Regulation and licensing, department of				
2	(1) PROFESSIONAL REGULATION				
3	(g) General program operations	PR	A	10,975,800	10,975,800
4	(gm) Applicant investigation				
5	reimbursement	PR	C	133,800	133,800
6	(h) Technical assistance; nonstate				
7	agencies and organizations	PR	C	-0-	-0-
8	(i) Examinations; general program				
9	operations	PR	C	1,519,200	1,519,200
10	(k) Technical assistance; state agencies	PR-S	C	-0-	-0-
11	(m) Federal funds	PR-F	C	-0-	-0-
	20.165 DEPARTMENT TOTALS				
	PROGRAM REVENUE			12,628,800	12,628,800
	FEDERAL			(-0-)	(-0-)
	OTHER			(12,628,800)	(12,628,800)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			12,628,800	12,628,800
12	20.190 State fair park board				
13	(1) STATE FAIR PARK				
14	(c) Housing facilities principal				
15	repayment, interest and rebates	GPR	S	985,200	983,300
16	(d) Principal repayment and interest	GPR	S	1,507,000	1,477,600
17	(h) State fair operations	PR	C	13,848,100	14,096,400

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(i) State fair capital expenses	PR	C	224,000	224,000
2	(j) State fair principal repayment,				
3	interest and rebates	PR	S	3,707,200	3,865,100
4	(jm) Gifts and grants	PR	C	-0-	-0-
5	(m) Federal funds	PR-F	C	-0-	-0-

20.190 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	2,492,200	2,460,900
PROGRAM REVENUE	17,779,300	18,185,500
FEDERAL	(-0-)	(-0-)
OTHER	(17,779,300)	(18,185,500)
TOTAL-ALL SOURCES	20,271,500	20,646,400

Commerce**FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES	54,880,800	57,128,500
PROGRAM REVENUE	244,802,200	245,278,900
FEDERAL	(89,530,000)	(89,530,000)
OTHER	(134,452,000)	(134,926,300)
SERVICE	(20,820,200)	(20,822,600)
SEGREGATED FUNDS	183,277,700	184,606,800
FEDERAL	(-0-)	(-0-)
OTHER	(183,277,700)	(184,606,800)
SERVICE	(-0-)	(-0-)
LOCAL	(-0-)	(-0-)
TOTAL-ALL SOURCES	482,960,700	487,014,200

Education

6	20.215 Arts board				
7	(1) SUPPORT OF ARTS PROJECTS				
8	(a) General program operations	GPR	A	370,400	370,400
9	(b) State aid for the arts	GPR	A	1,885,500	1,885,500
10	(c) Portraits of governors	GPR	A	-0-	-0-
11	(d) Challenge grant program	GPR	A	90,000	90,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(e) High point fund	GPR	A	-0-	-0-
2	(f) Wisconsin regranting program	GPR	A	124,300	124,300
3	(g) Gifts and grants; state operations	PR	C	20,000	20,000
4	(h) Gifts and grants; aids to individuals				
5	and organizations	PR	C	-0-	-0-
6	(j) Support of arts programs	PR	C	-0-	-0-
7	(k) Funds received from other state				
8	agencies	PR-S	C	444,800	444,800
9	(ka) Percent-for-art administration	PR-S	A	-0-	-0-
10	(km) State aid for the arts; Indian				
11	gaming receipts	PR-S	A	25,200	25,200
12	(m) Federal grants; state operations	PR-F	C	433,600	433,600
13	(o) Federal grants; aids to individuals				
14	and organizations	PR-F	C	236,000	236,000
20.215 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			2,470,200	2,470,200
	PROGRAM REVENUE			1,159,600	1,159,600
	FEDERAL			(669,600)	(669,600)
	OTHER			(20,000)	(20,000)
	SERVICE			(470,000)	(470,000)
	TOTAL-ALL SOURCES			3,629,800	3,629,800

15 **20.220 Wisconsin artistic endowment foundation**

16	(1) WISCONSIN ARTISTIC ENDOWMENT FOUNDATION				
17	(a) Education and marketing	GPR	C	-0-	-0-
18	(q) General program operations	SEG	A	-0-	-0-
19	(r) Support of the arts	SEG	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
	20.220 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
1	20.225 Educational communications board				
2	(1) INSTRUCTIONAL TECHNOLOGY				
3	(a) General program operations	GPR	A	3,306,100	3,306,100
4	(b) Energy costs	GPR	A	753,400	790,800
5	(c) Principal repayment and interest	GPR	S	2,477,700	2,574,000
6	(d) Milwaukee area technical college	GPR	A	250,800	250,800
7	(eg) Transmitter construction	GPR	C	-0-	-0-
8	(er) Transmitter operation	GPR	A	19,000	19,000
9	(f) Programming	GPR	A	1,194,400	1,194,400
10	(g) Gifts, grants, contracts, leases,				
11	instructional material, and				
12	copyrights	PR	C	8,755,200	8,755,200
13	(i) Program revenue facilities;				
14	principal repayment, interest, and				
15	rebates	PR	S	13,100	13,300
16	(k) Funds received from other state				
17	agencies	PR-S	C	-0-	-0-
18	(kb) Emergency weather warning				
19	system operation	PR-S	A	154,400	154,400
20	(m) Federal grants	PR-F	C	1,171,800	1,171,800

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
20.225 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			8,001,400	8,135,100
PROGRAM REVENUE			10,094,500	10,094,700
FEDERAL			(1,171,800)	(1,171,800)
OTHER			(8,768,300)	(8,768,500)
SERVICE			(154,400)	(154,400)
TOTAL-ALL SOURCES			18,095,900	18,229,800
1 20.235 Higher educational aids board				
2 (1) STUDENT SUPPORT ACTIVITIES				
3 (b) Tuition grants	GPR	B	25,456,600	26,077,500
4 (cg) Nursing student loans	GPR	A	-0-	-0-
5 (cm) Nursing student loan program	GPR	A	450,000	450,000
6 (cr) Minority teacher loans	GPR	A	262,100	262,100
7 (cu) Teacher education loan program	GPR	A	275,000	275,000
8 (cx) Loan pgm for teachers & orient &				
9 mobility instructors of vis imp				
10 pupils	GPR	A	100,000	100,000
11 (d) Dental education contract	GPR	A	1,400,400	1,400,400
12 (e) Minnesota-Wisconsin student				
13 reciprocity agreement	GPR	S	7,770,500	7,770,500
14 (fc) Independent student grants				
15 program	GPR	B	-0-	-0-
16 (fd) Talent incentive grants	GPR	B	4,503,800	4,503,800
17 (fe) Wisconsin higher education grants;				
18 University of Wisconsin system				
19 students	GPR	S	50,000,000	55,000,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ff) Wisconsin higher education grants;				
2	technical college students	GPR	B	17,130,200	17,548,000
3	(fg) Minority undergraduate retention				
4	grants program	GPR	B	775,900	794,900
5	(fj) Handicapped student grants	GPR	B	123,800	123,800
6	(fm) Wisconsin covenant scholars grants	GPR	A	-0-	-0-
7	(fy) Academic excellence higher				
8	education scholarship program	GPR	S	3,170,000	3,170,000
9	(fz) Remission of fees for veterans and				
10	dependents	GPR	B	5,013,700	6,562,300
11	(g) Student loans	PR	A	-0-	-0-
12	(gg) Nursing student loan repayments	PR	C	-0-	-0-
13	(gm) Indian student assistance;				
14	contributions	PR	C	-0-	-0-
15	(i) Gifts and grants	PR	C	-0-	-0-
16	(k) Indian student assistance	PR-S	B	787,600	787,600
17	(km) Wisconsin higher education grants;				
18	tribal college students	PR-S	B	404,000	404,000
19	(no) Federal aid; aids to individuals and				
20	organizations	PR-F	C	1,354,500	1,354,500
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			116,432,000	124,038,300
	PROGRAM REVENUE			2,546,100	2,546,100
	FEDERAL			(1,354,500)	(1,354,500)
	OTHER			(-0-)	(-0-)
	SERVICE			(1,191,600)	(1,191,600)
	TOTAL-ALL SOURCES			118,978,100	126,584,400

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(2) ADMINISTRATION				
2	(aa) General program operations	GPR	A	904,600	910,400
3	(bb) Student loan interest, loans sold or				
4	conveyed	GPR	S	-0-	-0-
5	(bc) Write-off of uncollectible student				
6	loans	GPR	A	-0-	-0-
7	(bd) Purchase of defective student loans	GPR	S	-0-	-0-
8	(ga) Student interest payments	PR	C	1,000	1,000
9	(gb) Student interest payments, loans				
10	sold or conveyed	PR	C	-0-	-0-
11	(ia) Student loans; collection and				
12	administration	PR	C	-0-	-0-
13	(ja) Write-off of defaulted student loans	PR	A	-0-	-0-
14	(n) Federal aid; state operations	PR-F	C	-0-	-0-
15	(qa) Student loan revenue obligation				
16	repayment	SEG	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			904,600	910,400
	PROGRAM REVENUE			1,000	1,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,000)	(1,000)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			905,600	911,400
	20.235 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			117,336,600	124,948,700
	PROGRAM REVENUE			2,547,100	2,547,100
	FEDERAL			(1,354,500)	(1,354,500)
	OTHER			(1,000)	(1,000)
	SERVICE			(1,191,600)	(1,191,600)

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
SEGREGATED FUNDS				-0-	-0-
OTHER				(-0-)	(-0-)
TOTAL-ALL SOURCES				119,883,700	127,495,800
1	20.245 Historical society				
2	(1) HISTORY SERVICES				
3	(a) General program operations	GPR	A	11,008,100	11,074,100
4	(b) Wisconsin black historical society				
5	and museum	GPR	A	90,000	90,000
6	(c) Energy costs	GPR	A	827,200	862,200
7	(e) Principal repayment, interest, and				
8	rebates	GPR	S	2,031,600	2,716,600
9	(h) Gifts, grants, and membership				
10	sales	PR	C	338,700	338,700
11	(j) Self-amortizing facilities; principal				
12	repayment, interest and rebates	PR	S	103,500	96,600
13	(k) Storage facility	PR-S	A	62,900	127,600
14	(km) Northern great lakes center	PR-S	A	261,200	261,200
15	(ks) General program operations –				
16	service funds	PR-S	C	1,791,500	1,791,500
17	(kw) Records management — service				
18	funds	PR-S	C	193,400	258,000
19	(m) General program operations;				
20	federal funds	PR-F	C	1,090,000	1,090,000
21	(n) Federal aids	PR-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(pz) Indirect cost reimbursements	PR-F	C	97,400	97,400
2	(q) Endowment principal	SEG	C	617,400	617,400
3	(r) History preservation partnership				
4	trust fund	SEG	C	3,321,300	3,321,300
5	(y) Northern great lakes center;				
6	interpretive programming	SEG	A	49,000	49,000
	20.245 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			13,956,900	14,742,900
	PROGRAM REVENUE			3,938,600	4,061,000
	FEDERAL			(1,187,400)	(1,187,400)
	OTHER			(442,200)	(435,300)
	SERVICE			(2,309,000)	(2,438,300)
	SEGREGATED FUNDS			3,987,700	3,987,700
	OTHER			(3,987,700)	(3,987,700)
	TOTAL-ALL SOURCES			21,883,200	22,791,600
7	20.250 Medical college of Wisconsin				
8	(1) TRAINING OF HEALTH PERSONNEL				
9	(a) General program operations	GPR	A	2,052,500	2,052,500
10	(b) Family medicine and practice	GPR	A	3,371,900	3,371,900
11	(c) Principal repay, int & rebates;				
12	biomedical research & technology				
13	incubator	GPR	S	1,807,000	2,021,800
14	(e) Principal repayment and interest	GPR	S	169,400	167,100
15	(k) Tobacco-related illnesses	PR-S	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			7,400,800	7,613,300
	PROGRAM REVENUE			-0-	-0-
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			7,400,800	7,613,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(2) RESEARCH				
2	(b) Translational research	GPR	A	-0-	2,500,000
3	(g) Breast cancer research	PR	C	250,000	250,000
4	(h) Prostate cancer research	PR	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	2,500,000
	PROGRAM REVENUE			250,000	250,000
	OTHER			(250,000)	(250,000)
	TOTAL-ALL SOURCES			250,000	2,750,000
	20.250 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			7,400,800	10,113,300
	PROGRAM REVENUE			250,000	250,000
	OTHER			(250,000)	(250,000)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			7,650,800	10,363,300
5	20.255 Public instruction, department of				
6	(1) EDUCATIONAL LEADERSHIP				
7	(a) General program operations	GPR	A	11,699,300	11,699,300
8	(b) Gen pgm ops: program for the deaf				
9	and center for the blind	GPR	A	11,478,400	11,485,900
10	(c) Energy costs: program for the deaf				
11	and center for the blind	GPR	A	588,100	613,600
12	(d) Principal repayment and interest	GPR	S	1,133,400	1,096,100
13	(dw) Pupil assessment	GPR	A	4,510,700	4,510,700
14	(g) Student activity therapy	PR	A	1,000	1,000
15	(gb) Program for the deaf and center for				
16	the blind; nonresident fees	PR	C	50,000	50,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(gh) Program for the deaf and center for				
2	the blind; hospitalization	PR	C	-0-	-0-
3	(gL) Program for the deaf and center for				
4	the blind; leasing of space	PR	C	16,500	18,300
5	(gs) Program for the deaf and center for				
6	the blind; services	PR	C	65,000	70,000
7	(gt) Program for the deaf and center for				
8	the blind; pupil transportation	PR	A	935,000	1,028,500
9	(hf) Administrative leadership academy	PR	A	-0-	-0-
10	(hg) Personnel licensure, teacher supply,				
11	info. and analysis and teacher				
12	improv.	PR	A	3,218,100	3,271,600
13	(hj) General educational development				
14	and high school graduation				
15	equivalency	PR	A	105,000	110,000
16	(hm) Services for drivers	PR-S	A	265,200	265,200
17	(i) Publications	PR	A	250,000	250,000
18	(im) Library products and services	PR	C	250,000	250,000
19	(j) Milwaukee parental choice program				
20	fees	PR	C	67,100	87,800
21	(jg) School lunch handling charges	PR	A	14,990,400	14,990,400
22	(jm) Professional services center charges	PR	A	175,000	175,000
23	(jr) Gifts, grants and trust funds	PR	C	2,050,000	2,050,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(jz) School district boundary appeal				
2	proceedings	PR	C	10,500	10,500
3	(kd) Alcohol and other drug abuse				
4	program	PR-S	A	614,900	647,300
5	(ke) Funds transferred from other state				
6	agencies; program operations	PR-S	C	2,337,600	2,324,100
7	(km) State agency library processing				
8	center	PR-S	A	40,300	40,300
9	(ks) Data processing	PR-S	C	2,983,500	3,055,500
10	(me) Federal aids; program operations	PR-F	C	39,532,300	39,343,400
11	(pz) Indirect cost reimbursements	PR-F	C	2,819,100	2,819,100
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			29,409,900	29,405,600
	PROGRAM REVENUE			70,776,500	70,858,000
	FEDERAL			(42,351,400)	(42,162,500)
	OTHER			(22,183,600)	(22,363,100)
	SERVICE			(6,241,500)	(6,332,400)
	TOTAL-ALL SOURCES			100,186,400	100,263,600
12	(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING				
13	(ac) General equalization aids	GPR	A	4,802,065,100	4,878,821,100
14	(ad) Supplemental aid	GPR	A	125,000	125,000
15	(b) Aids for special education and				
16	school age parents programs	GPR	A	350,192,500	368,939,100
17	(bc) Aid for children-at-risk programs	GPR	A	3,500,000	3,500,000
18	(bd) Additional special education aid	GPR	A	3,500,000	3,500,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(bh) Aid to county children with				
2	disabilities education boards	GPR	A	4,214,800	4,214,800
3	(cc) Bilingual-bicultural education aids	GPR	A	10,946,200	11,931,300
4	(ce) English for Southeast Asian				
5	children	GPR	A	100,000	100,000
6	(cf) Alternative education grants	GPR	A	5,000,000	5,000,000
7	(cg) Tuition payments; full-time open				
8	enrollment transfer payments	GPR	A	9,491,000	9,491,000
9	(ch) Grants for world languages				
10	instruction	GPR	A	-0-	500,000
11	(cm) Grants for school breakfast				
12	programs	GPR	C	2,513,500	2,890,600
13	(cn) Aids for school lunches and				
14	nutritional improvement	GPR	A	4,371,100	4,371,100
15	(cp) Wisconsin school day milk program	GPR	A	710,600	710,600
16	(cs) Aid for debt service	GPR	A	150,000	150,000
17	(cu) Achievement guarantee contracts	GPR	A	108,954,900	109,494,900
18	(df) Grants for improving pupil				
19	academic achievement	GPR	A	5,000,000	10,000,000
20	(dm) Grants for alcohol & other drug				
21	abuse prevention & intervention				
22	programs	GPR	A	4,520,000	4,520,000
23	(do) Grants for preschool to grade 5				
24	programs	GPR	A	7,353,700	7,353,700

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(dp) Four-year-old kindergarten grants	GPR	A	-0-	3,000,000
2	(eh) Head start supplement	GPR	A	7,212,500	7,212,500
3	(ep) Second chance partnership	GPR	S	147,500	147,500
4	(fg) Aid for cooperative educational				
5	service agencies	GPR	A	300,000	300,000
6	(fk) Grant program for peer review and				
7	mentoring	GPR	A	500,000	500,000
8	(fm) Charter schools	GPR	S	44,179,000	48,804,000
9	(fu) Milwaukee parental choice program	GPR	S	118,980,000	127,604,000
10	(fw) Grants for advanced placement				
11	courses	GPR	A	100,000	100,000
12	(fy) Grants to support gifted and				
13	talented pupils	GPR	A	182,000	182,000
14	(fz) Grants for science, technology,				
15	engineering, and mathematics				
16	programs	GPR	A	61,500	61,500
17	(k) Funds transferred from other state				
18	agencies; local aids	PR-S	C	9,519,100	9,519,100
19	(kd) Aid for alcohol and other drug				
20	abuse programs	PR-S	A	1,442,700	1,518,600
21	(kg) Mentoring grants for initial				
22	educators	GPR	A	1,350,000	1,350,000
23	(m) Federal aids; local aid	PR-F	C	554,443,200	556,751,000

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(qm) Driver education; assistance to				
2	eligible pupils	SEG	A	-0-	100,000
3	(s) School library aids	SEG	C	35,000,000	40,000,000
4	(vr) Aid for pupil transportation	SEG	A	27,292,500	27,292,500
5	(vw) Aid for transportation; youth				
6	options program	SEG	A	20,000	20,000
7	(vy) Aid for transportation; open				
8	enrollment	SEG	A	500,000	500,000
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			5,495,720,900	5,614,874,700
	PROGRAM REVENUE			565,405,000	567,788,700
	FEDERAL			(554,443,200)	(556,751,000)
	SERVICE			(10,961,800)	(11,037,700)
	SEGREGATED FUNDS			62,812,500	67,912,500
	OTHER			(62,812,500)	(67,912,500)
	TOTAL-ALL SOURCES			6,123,938,400	6,250,575,900
9	(3) AIDS TO LIBRARIES, INDIVIDUALS AND ORGANIZATIONS				
10	(b) Adult literacy grants	GPR	A	50,000	50,000
11	(c) Grants for national teacher				
12	certification or master educator				
13	licensure	GPR	S	1,282,400	1,605,400
14	(d) Elks and Easter Seals center for				
15	respite and recreation	GPR	A	75,000	75,000
16	(e) Aid to public library systems	GPR	A	11,297,400	11,297,400
17	(ea) Library service contracts	GPR	A	1,134,200	1,097,200
18	(eg) Milwaukee public museum	GPR	A	50,000	50,000
19	(fa) Very special arts	GPR	A	75,000	75,000

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(fg) Special olympics	GPR	A	75,000	75,000
2	(fz) Precollege scholarships	GPR	A	2,286,400	2,286,400
3	(mm) Federal funds; local assistance	PR-F	C	1,241,900	1,241,900
4	(ms) Federal funds; individuals and				
5	organizations	PR-F	C	47,712,000	47,712,000
6	(q) Periodical and reference				
7	information databases; newslines for				
8	the blind	SEG	A	2,167,700	2,219,000
9	(qm) Supplemental aid to public library				
10	systems	SEG	A	4,840,600	5,486,100

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	16,325,400	16,611,400
PROGRAM REVENUE	48,953,900	48,953,900
FEDERAL	(48,953,900)	(48,953,900)
SEGREGATED FUNDS	7,008,300	7,705,100
OTHER	(7,008,300)	(7,705,100)
TOTAL-ALL SOURCES	72,287,600	73,270,400

20.255 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	5,541,456,200	5,660,891,700
PROGRAM REVENUE	685,135,400	687,600,600
FEDERAL	(645,748,500)	(647,867,400)
OTHER	(22,183,600)	(22,363,100)
SERVICE	(17,203,300)	(17,370,100)
SEGREGATED FUNDS	69,820,800	75,617,600
OTHER	(69,820,800)	(75,617,600)
TOTAL-ALL SOURCES	6,296,412,400	6,424,109,900

11 20.285 University of Wisconsin system

12	(1) UNIVERSITY EDUCATION, RESEARCH AND PUBLIC SERVICE				
13	(a) General program operations	GPR	A	763,591,300	784,827,000
14	(ab) Student aid	GPR	A	1,347,400	1,347,400

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(am) Distinguished professorships	GPR	A	882,100	882,100
2	(as) Industrial and economic				
3	development research	GPR	A	1,794,300	1,794,300
4	(b) Area health education centers	GPR	A	1,152,400	1,152,400
5	(bm) Fee remissions	GPR	A	30,000	30,000
6	(c) Energy costs	GPR	A	119,714,500	131,626,200
7	(cm) Educational technology	GPR	A	6,646,900	6,646,900
8	(d) Principal repayment and interest	GPR	S	134,407,000	137,570,900
9	(da) Lease rental payments	GPR	S	-0-	-0-
10	(db) Self-amortizing facilities principal				
11	and interest	GPR	S	-0-	-0-
12	(em) Schools of business	GPR	A	1,713,600	1,713,600
13	(eo) Extension outreach	GPR	A	369,100	369,100
14	(ep) Extension local planning program	GPR	A	91,700	91,700
15	(er) Grants for study abroad	GPR	A	1,000,000	1,000,000
16	(fc) Department of family medicine and				
17	practice	GPR	A	9,440,900	9,440,900
18	(fd) State laboratory of hygiene; general				
19	program operations	GPR	A	9,184,200	9,184,200
20	(fj) Veterinary diagnostic laboratory	GPR	A	4,625,300	4,625,300
21	(fm) Laboratories	GPR	A	3,907,000	3,907,000
22	(fp) Biomedical Technology Alliance	GPR	B	2,500,000	-0-
23	(fs) Farm safety program grants	GPR	A	19,400	19,400

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ft) Wisconsin humanities council	GPR	A	72,600	72,600
2	(fx) Alcohol and other drug abuse				
3	prevention and intervention	GPR	A	74,200	74,200
4	(g) Physical plant service departments	PR	C	2,625,300	2,625,300
5	(gm) Breast cancer research	PR	C	258,500	258,500
6	(gn) Prostate cancer research	PR	C	-0-	-0-
7	(gr) Center for urban land economics				
8	research	PR	A	184,700	184,700
9	(gs) Charter school operator payments	PR	C	-0-	-0-
10	(h) Auxiliary enterprises	PR	C	507,911,000	529,240,100
11	(ha) Stores	PR	C	4,138,500	4,138,500
12	(hm) Extension outreach	PR	C	136,700	136,700
13	(i) State laboratory of hygiene	PR	C	22,257,100	22,257,100
14	(ia) State laboratory of hygiene, drivers	PR-S	C	1,653,000	1,653,000
15	(im) Academic student fees	PR	C	883,265,400	900,405,800
16	(in) Payment of debt service;				
17	UW-Platteville tri-state initiative				
18	facilities	PR-S	C	-0-	-0-
19	(ip) Extension student fees	PR	C	33,641,200	33,641,200
20	(iz) General operations receipts	PR	C	201,235,200	205,978,600
21	(j) Gifts and donations	PR	C	463,788,000	476,124,600
22	(ja) Gifts; student loans	PR	C	3,797,700	3,797,700

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(je) Veterinary diagnostic laboratory;				
2	fees	PR	C	3,138,800	3,138,800
3	(jm) Distinguished professorships	PR	C	913,600	913,600
4	(jp) License plate scholarship programs	PR	C	201,500	201,500
5	(jq) Steam and chilled-water plant;				
6	prin repaymt, int, and rebates;				
7	nonstate ent	PR	C	877,400	880,700
8	(k) Funds transferred from other state				
9	agencies	PR-S	C	129,800	129,800
10	(ka) Sale of real property	PR	C	-0-	-0-
11	(kb) Great Lakes studies	PR-S	A	47,500	47,500
12	(kc) Charter school	PR-S	C	-0-	-0-
13	(kd) Principal repayment, interest and				
14	rebates	PR-S	S	65,019,700	72,716,800
15	(ke) Lease rental payments	PR-S	S	-0-	-0-
16	(kf) Outdoors skills training	PR-S	A	48,300	48,300
17	(kg) Veterinary diagnostic laboratory;				
18	state agencies	PR-S	C	844,400	844,400
19	(km) Aquaculture demonstration facility;				
20	principal repayment and interest	PR-S	A	261,700	260,100
21	(kn) Aquaculture demonstration facility;				
22	operational costs	PR-S	A	402,100	402,100

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ko) Steam and chilled-water plant;				
2	principal repayment, interest, and				
3	rebates	PR-S	C	4,971,600	4,990,400
4	(kp) Student-related activities	PR-S	C	-0-	-0-
5	(kr) University of Wisconsin center for				
6	tobacco research and intervention	PR-S	C	-0-	-0-
7	(Lm) Laboratories	PR	A	4,405,400	4,405,400
8	(Ls) Schools of business	PR	A	607,900	607,900
9	(m) Federal aid	PR-F	C	613,932,000	613,932,000
10	(ma) Federal aid; loans and grants	PR-F	C	282,708,400	282,708,400
11	(mc) Veterinary diagnostic lab-federal				
12	aid	PR-F	C	1,690,500	1,690,500
13	(n) Federal indirect cost				
14	reimbursement	PR-F	C	129,423,400	129,423,400
15	(q) Telecommunications services	SEG	A	1,054,800	1,054,800
16	(qm) Grants for forestry programs	SEG	A	131,100	131,100
17	(r) Environmental education;				
18	environmental assessments	SEG	C	50,000	50,000
19	(rc) Environmental education; forestry	SEG	A	400,000	400,000
20	(tb) Extension recycling education	SEG	A	352,300	352,300
21	(tm) Solid waste research and				
22	experiments	SEG	A	156,400	156,400
23	(u) Trust fund income	SEG	C	25,174,900	26,078,700

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(w) Trust fund operations	SEG	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,062,563,900	1,096,375,200
	PROGRAM REVENUE			3,234,516,300	3,297,783,400
	FEDERAL			(1,027,754,300)	(1,027,754,300)
	OTHER			(2,133,383,900)	(2,188,936,700)
	SERVICE			(73,378,100)	(81,092,400)
	SEGREGATED FUNDS			27,319,500	28,223,300
	OTHER			(27,319,500)	(28,223,300)
	TOTAL-ALL SOURCES			4,324,399,700	4,422,381,900
2	(3) UNIVERSITY SYSTEM ADMINISTRATION				
3	(a) General program operations	GPR	A	9,348,000	9,348,000
4	(iz) General operations receipts	PR	C	162,500	162,500
5	(n) Federal indirect cost				
6	reimbursement	PR-F	C	2,265,400	2,265,400
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			9,348,000	9,348,000
	PROGRAM REVENUE			2,427,900	2,427,900
	FEDERAL			(2,265,400)	(2,265,400)
	OTHER			(162,500)	(162,500)
	TOTAL-ALL SOURCES			11,775,900	11,775,900
7	(4) MINORITY AND DISADVANTAGED PROGRAMS				
8	(a) Minority and disadvantaged				
9	programs	GPR	A	11,361,400	11,361,400
10	(b) Graduate student financial aid	GPR	A	7,453,100	7,799,500
11	(dd) Lawton minority undergraduate				
12	grants program	GPR	S	5,907,500	6,175,800
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			24,722,000	25,336,700
	TOTAL-ALL SOURCES			24,722,000	25,336,700
13	(5) UNIVERSITY OF WISCONSIN-MADISON INTERCOLLEGIATE ATHLETICS				

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(h) Auxiliary enterprises	PR	A	60,823,900	63,889,800
2	(i) Nonincome sports	PR	C	275,000	302,500
3	(j) Gifts and grants	PR	C	12,463,800	12,974,400
	(5) PROGRAM TOTALS				
	PROGRAM REVENUE			73,562,700	77,166,700
	OTHER			(73,562,700)	(77,166,700)
	TOTAL-ALL SOURCES			73,562,700	77,166,700
4	(6) UNIVERSITY OF WISCONSIN HOSPITALS AND CLINICS AUTHORITY				
5	(a) Services received from authority	GPR	A	4,555,900	4,555,900
6	(g) Services provided to authority	PR	C	36,000,000	36,000,000
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,555,900	4,555,900
	PROGRAM REVENUE			36,000,000	36,000,000
	OTHER			(36,000,000)	(36,000,000)
	TOTAL-ALL SOURCES			40,555,900	40,555,900
	20.285 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			1,101,189,800	1,135,615,800
	PROGRAM REVENUE			3,346,506,900	3,413,378,000
	FEDERAL			(1,030,019,700)	(1,030,019,700)
	OTHER			(2,243,109,100)	(2,302,265,900)
	SERVICE			(73,378,100)	(81,092,400)
	SEGREGATED FUNDS			27,319,500	28,223,300
	OTHER			(27,319,500)	(28,223,300)
	TOTAL-ALL SOURCES			4,475,016,200	4,577,217,100
7	20.292 Technical college system, board of				
8	(1) TECHNICAL COLLEGE SYSTEM				
9	(a) General program operations	GPR	A	3,565,900	3,565,900
10	(am) Fee remissions	GPR	A	14,300	14,300
11	(b) Displaced homemakers' program	GPR	A	813,400	813,400

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(c) Minority student participation and				
2	retention grants	GPR	A	589,200	589,200
3	(ce) Basic skills grants	GPR	A	-0-	-0-
4	(ch) Health care education programs	GPR	A	5,450,000	5,450,000
5	(d) State aid for technical colleges;				
6	statewide guide	GPR	A	118,415,000	118,415,000
7	(dc) Incentive grants	GPR	C	6,483,100	6,483,100
8	(dd) Farm training program tuition				
9	grants	GPR	A	143,200	143,200
10	(de) Services for handicapped students;				
11	local assistance	GPR	A	382,000	382,000
12	(dm) Aid for special collegiate transfer				
13	programs	GPR	A	1,073,700	1,073,700
14	(e) Technical college instructor				
15	occupational competency program	GPR	A	68,100	68,100
16	(ef) School-to-work programs for				
17	children at risk	GPR	A	285,000	285,000
18	(eg) Faculty development grants	GPR	A	794,600	794,600
19	(eh) Training program grants	GPR	A	3,000,000	5,000,000
20	(em) Apprenticeship curriculum				
21	development	GPR	A	71,600	71,600
22	(fm) Supplemental aid	GPR	A	1,432,500	1,432,500
23	(g) Text materials	PR	A	123,000	123,000
24	(ga) Auxiliary services	PR	C	18,000	18,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(gm) Fire schools; state operations	PR	A	442,500	442,500
2	(gr) Fire schools; local assistance	PR	A	600,000	600,000
3	(h) Gifts and grants	PR	C	20,600	20,600
4	(hm) Truck driver training	PR-S	C	616,000	616,000
5	(i) Conferences	PR	C	85,900	85,900
6	(j) Personnel certification	PR	A	296,700	296,700
7	(k) Gifts and grants	PR	C	30,200	30,200
8	(ka) Interagency projects; local				
9	assistance	PR-S	A	3,414,700	3,414,700
10	(kb) Interagency projects; state				
11	operations	PR-S	A	696,200	696,200
12	(kd) Transfer of Indian gaming receipts;				
13	work-based learning programs	PR-S	A	600,000	600,000
14	(km) Master logger apprenticeship				
15	grants	SEG	C	-0-	-0-
16	(kx) Interagency and intra-agency				
17	programs	PR-S	C	290,700	290,700
18	(L) Services for district boards	PR	A	136,200	136,200
19	(m) Federal aid, state operations	PR-F	C	3,932,300	3,932,300
20	(n) Federal aid, local assistance	PR-F	C	28,424,300	28,424,300
21	(o) Federal aid, aids to individuals and				
22	organizations	PR-F	C	800,000	800,000
23	(pz) Indirect cost reimbursements	PR-F	C	196,000	196,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(q) Agricultural education consultant	GPR	A	71,300	71,300
2	(r) Emergency medical technician –				
3	basic training; state operations	SEG	A	-0-	-0-
4	(u) Driver education, local assistance	SEG	A	307,500	307,500
5	(v) Chauffeur training grants	SEG	A	191,000	191,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			142,652,900	144,652,900
	PROGRAM REVENUE			40,723,300	40,723,300
	FEDERAL			(33,352,600)	(33,352,600)
	OTHER			(1,753,100)	(1,753,100)
	SERVICE			(5,617,600)	(5,617,600)
	SEGREGATED FUNDS			498,500	498,500
	OTHER			(498,500)	(498,500)
	TOTAL-ALL SOURCES			183,874,700	185,874,700
6	(2) EDUCATIONAL APPROVAL BOARD				
7	(g) Proprietary school programs	PR-S	A	501,700	501,700
8	(gm) Student protection	PR-S	C	60,300	60,300
9	(i) Closed schools; preservaton of				
10	student records	PR-S	A	12,900	12,900
(2) PROGRAM TOTALS					
	PROGRAM REVENUE			574,900	574,900
	SERVICE			(574,900)	(574,900)
	TOTAL-ALL SOURCES			574,900	574,900
20.292 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			142,652,900	144,652,900
	PROGRAM REVENUE			41,298,200	41,298,200
	FEDERAL			(33,352,600)	(33,352,600)
	OTHER			(1,753,100)	(1,753,100)
	SERVICE			(6,192,500)	(6,192,500)
	SEGREGATED FUNDS			498,500	498,500
	OTHER			(498,500)	(498,500)
	TOTAL-ALL SOURCES			184,449,600	186,449,600

Education

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			6,934,464,800	7,101,570,600
PROGRAM REVENUE			4,090,930,300	4,160,389,200
FEDERAL			(1,713,504,100)	(1,715,623,000)
OTHER			(2,276,527,300)	(2,335,856,900)
SERVICE			(100,898,900)	(108,909,300)
SEGREGATED FUNDS			101,626,500	108,327,100
FEDERAL			(-0-)	(-0-)
OTHER			(101,626,500)	(108,327,100)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			11,127,021,600	11,370,286,900

Environmental Resources

1	20.320 Environmental improvement program				
2	(1) CLEAN WATER FUND PROGRAM OPERATIONS				
3	(a) Environmental aids — clean water				
4	fund program	GPR	A	-0-	-0-
5	(c) Principal repayment and				
6	interest — clean water fund				
7	program	GPR	S	42,127,000	46,675,500
8	(r) Clean water fund program				
9	repayment of revenue obligations	SEG	S	-0-	-0-
10	(s) Clean water fund program financial				
11	assistance	SEG	S	-0-	-0-
12	(sm) Land recycling loan program				
13	financial assistance	SEG	S	-0-	-0-
14	(t) Principal repayment and				
15	interest — clean water fund				
16	program bonds	SEG	A	6,000,000	6,000,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(u) Principal repay. & interest – clean				
2	water fd. prog. rev. obligation repay.	SEG	C	-0-	-0-
3	(x) Clean water fund program financial				
4	assistance; federal	SEG-F	C	-0-	-0-
5	(y) Clean water fund program federal				
6	financial hardship assistance	SEG-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			42,127,000	46,675,500
	SEGREGATED FUNDS			6,000,000	6,000,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(6,000,000)	(6,000,000)
	TOTAL-ALL SOURCES			48,127,000	52,675,500
7	(2) SAFE DRINKING WATER LOAN PROGRAM OPERATIONS				
8	(c) Principal repayment and				
9	interest — safe drinking water loan				
10	program	GPR	S	2,765,800	3,015,000
11	(s) Safe drinking water loan programs				
12	financial assistance	SEG	S	-0-	-0-
13	(x) Safe drinking water loan programs				
14	financial assistance; federal	SEG-F	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,765,800	3,015,000
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			2,765,800	3,015,000
15	(3) PRIVATE SEWAGE SYSTEM PROGRAM				
16	(q) Private sewage system loans	SEG	C	-0-	-0-
	(3) PROGRAM TOTALS				
	SEGREGATED FUNDS			-0-	-0-

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-

20.320 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			44,892,800	49,690,500
SEGREGATED FUNDS			6,000,000	6,000,000
FEDERAL			(-0-)	(-0-)
OTHER			(6,000,000)	(6,000,000)
TOTAL-ALL SOURCES			50,892,800	55,690,500

1 20.360 Lower Wisconsin state riverway board

2 (1) CONTROL OF LAND DEVELOPMENT AND USE IN THE LOWER WISCONSIN STATE RIVERWAY

3 (g) Gifts and grants	PR	C	-0-	-0-
4 (q) General program operations —				
5 conservation fund	SEG	A	186,900	186,900

20.360 DEPARTMENT TOTALS

PROGRAM REVENUE			-0-	-0-
OTHER			(-0-)	(-0-)
SEGREGATED FUNDS			186,900	186,900
OTHER			(186,900)	(186,900)
TOTAL-ALL SOURCES			186,900	186,900

6 20.370 Natural resources, department of

7 (1) LAND

8 (cq) Forestry — reforestation	SEG	C	100,000	103,700
9 (cr) Forestry — recording fees	SEG	C	90,000	90,000
10 (cs) Forestry — forest fire emergencies	SEG	C	-0-	-0-
11 (ct) Timber sales contracts – repair and				
12 reimbursement costs	SEG	C	-0-	-0-
13 (cu) Forestry – forestry education				
14 curriculum	SEG	A	318,700	318,700
15 (cv) Forestry – public education	SEG	C	318,700	318,700

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(cx) Forestry–management plans	SEG	C	1,120,000	1,120,000
2	(cy) Forestry – cooperating foresters	SEG	C	–0–	–0–
3	(ea) Parks — general program				
4	operations	GPR	A	5,506,900	5,506,900
5	(eq) Parks and forests – operation and				
6	maintenance	SEG	S	–0–	–0–
7	(er) Parks and forests – campground				
8	reservation fees	SEG	C	–0–	–0–
9	(es) Parks – interpretive programs	SEG	C	–0–	–0–
10	(fb) Endangered resources — general				
11	program operations	GPR	A	–0–	–0–
12	(fc) Endangered resources — Wisconsin				
13	stewardship program	GPR	A	–0–	–0–
14	(fd) Endangered resources — natural				
15	heritage inventory program	GPR	A	250,300	250,300
16	(fe) Endangered resources — general				
17	fund	GPR	S	500,000	500,000
18	(fs) Endangered resources — voluntary				
19	payments; sales, leases, and fees	SEG	C	1,757,800	1,781,700
20	(ft) Endangered resources —				
21	application fees	SEG	C	–0–	–0–
22	(gr) Endangered resources program —				
23	gifts and grants	SEG	C	–0–	–0–
24	(gt) Habitat conservation plan fees	SEG	C	–0–	–0–

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(hc) Indemnification agreements	GPR	S	-0-	-0-
2	(hk) Elk management	PR-S	A	103,600	105,400
3	(hq) Elk hunting fees	SEG	C	-0-	-0-
4	(hr) Pheasant restoration	SEG	C	199,200	210,600
5	(hs) Chronic wasting disease				
6	management	SEG	A	1,071,200	1,071,200
7	(ht) Wild turkey restoration	SEG	C	751,700	778,100
8	(hu) Wetlands habitat improvement	SEG	C	340,400	347,700
9	(hv) Aquatic and terrestrial resources				
10	inventory	SEG	A	129,800	129,800
11	(hw) Pheasant stocking and propagation	SEG	C	270,000	270,000
12	(hx) Fee amounts for statewide				
13	automated issuing system	SEG	C	-0-	-0-
14	(it) Atlas revenues	SEG	C	-0-	-0-
15	(iu) Gravel pit reclamation	SEG	C	-0-	-0-
16	(jr) Rental property and equipment —				
17	maintenance and replacement	SEG	C	-0-	20,700
18	(kq) Taxes and assessments;				
19	conservation fund	SEG	A	300,000	300,000
20	(Lk) Reintroduction of whooping cranes	PR-S	A	62,600	62,600
21	(Lq) Trapper education program	SEG	C	48,700	49,400
22	(Lr) Beaver control; fish and wildlife				
23	account	SEG	C	36,600	36,600

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(Ls) Control of wild animals	SEG	C	246,100	246,400
2	(Lt) Wildlife management	SEG	A	-0-	-0-
3	(Lu) Fish and wildlife habitat	SEG	S	-0-	-0-
4	(ma) General program operations —				
5	state funds	GPR	A	5,900	5,900
6	(mg) General program operations —				
7	endangered resources	PR	C	-0-	-0-
8	(mi) General program operations —				
9	private and public sources	PR	C	627,800	627,800
10	(mk) General program operations —				
11	service funds	PR-S	C	796,200	796,200
12	(mq) General program operations —				
13	state snowmobile trails and areas	SEG	A	208,700	216,300
14	(ms) General program operations —				
15	state all-terrain vehicle projects	SEG	A	629,100	326,100
16	(mt) Land preservation and				
17	management – endowment fund	SEG	S	-0-	-0-
18	(mu) General program operations —				
19	state funds	SEG	A	-0-	-0-
20	Land program management	SEG	A	940,200	943,100
21	Wildlife management	SEG	A	12,749,000	12,909,700
22	Southern forests	SEG	A	5,352,000	5,431,600
23	Parks and recreation	SEG	A	11,188,100	11,426,400
24	Endangered resources	SEG	A	724,100	733,100

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	Facilities and lands	SEG	A	7,639,500	7,667,000
	NET APPROPRIATION			38,592,900	39,110,900
2	(mv) General program operations – state				
3	funds; forestry	SEG	A	50,393,000	51,099,000
4	(my) General program operations —				
5	federal funds	SEG-F	C	-0-	-0-
6	Wildlife management	SEG-F	C	4,556,200	4,556,200
7	Forestry	SEG-F	C	1,375,600	1,375,600
8	Southern forests	SEG-F	C	94,400	94,400
9	Parks and recreation	SEG-F	C	626,900	626,900
10	Endangered resources	SEG-F	C	1,498,100	1,498,100
11	Facilities and lands	SEG-F	C	1,910,600	1,910,600
	NET APPROPRIATION			10,061,800	10,061,800
12	(mz) Forest fire emergencies — federal				
13	funds	SEG-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			6,263,100	6,263,100
	PROGRAM REVENUE			1,590,200	1,592,000
	OTHER			(627,800)	(627,800)
	SERVICE			(962,400)	(964,200)
	SEGREGATED FUNDS			106,984,400	108,007,400
	FEDERAL			(10,061,800)	(10,061,800)
	OTHER			(96,922,600)	(97,945,600)
	TOTAL-ALL SOURCES			114,837,700	115,862,500
14	(2) AIR AND WASTE				
15	(bg) Air management — stationary				
16	sources	PR	A	9,058,000	9,063,600

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(bh) Air management — state permit				
2	sources	PR	A	1,292,000	1,292,000
3	(bi) Air management — asbestos				
4	management	PR	C	460,300	460,900
5	(bq) Air management — vapor recovery				
6	administration	SEG	A	92,100	92,300
7	(br) Air management — mobile sources	SEG	A	1,318,400	1,338,700
8	(cg) Air management — recovery of				
9	ozone-depleting refrigerants	PR	A	139,000	139,100
10	(ch) Air management — emission				
11	analysis	PR	C	-0-	-0-
12	(ci) Air management — permit review				
13	and enforcement	PR	A	3,168,000	2,219,500
14	(cL) Air waste management —				
15	incinerator operator certification	PR	C	-0-	-0-
16	(cq) Air management – motor veh.				
17	emission inspection & maint. prog.,				
18	state funds	SEG	A	64,500	64,500
19	(dg) Solid waste management — solid				
20	and hazardous waste disposal				
21	administration	PR	C	3,333,700	3,340,600
22	(dh) Solid waste				
23	management-remediated property	PR	C	799,000	800,000

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(dq) Solid waste management — waste				
2	management fund	SEG	C	-0-	-0-
3	(dt) Solid waste management — closure				
4	and long-term care	SEG	C	-0-	-0-
5	(du) Solid waste management –				
6	site-specific remediation	SEG	C	-0-	-0-
7	(dv) Solid waste management —				
8	environmental repair; spills;				
9	abandoned containers	SEG	C	2,440,800	2,442,900
10	(dw) Solid waste management —				
11	environmental repair; petroleum				
12	spills; admin.	SEG	A	554,000	554,400
13	(dy) Solid waste mgt. — corrective				
14	action; proofs of financial				
15	responsibility	SEG	C	-0-	-0-
16	(eh) Solid waste management — source				
17	reduction review	PR	C	-0-	-0-
18	(eq) Solid waste management – dry				
19	cleaner environmental response	SEG	A	159,000	159,000
20	(fq) Indemnification agreements	SEG	S	-0-	-0-
21	(gh) Mining — mining regulation and				
22	administration	PR	A	120,800	120,800
23	(gr) Solid waste management — mining				
24	programs	SEG	C	-0-	-0-
25	(hq) Recycling; administration	SEG	A	1,280,300	1,282,600

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ma) General program operations —				
2	state funds	GPR	A	1,681,600	1,681,600
3	(mi) General program operations —				
4	private and public sources	PR	C	-0-	-0-
5	(mk) General program operations —				
6	service funds	PR-S	C	100,000	100,000
7	(mm) General program operations —				
8	federal funds	PR-F	C	8,972,200	8,972,200
9	(mq) General program operations —				
10	environmental fund	SEG	A	3,198,000	3,205,900
11	(mr) General program operations —				
12	brownfields	SEG	A	367,500	367,800
13	(mu) Petroleum inspection fd. suppl. to				
14	env. fd.; env. repair and well comp.	SEG	A	1,049,400	1,049,400
15	(my) General program operations —				
16	environmental fund; federal funds	SEG-F	C	979,900	979,900
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,681,600	1,681,600
	PROGRAM REVENUE			27,443,000	26,508,700
	FEDERAL			(8,972,200)	(8,972,200)
	OTHER			(18,370,800)	(17,436,500)
	SERVICE			(100,000)	(100,000)
	SEGREGATED FUNDS			11,503,900	11,537,400
	FEDERAL			(979,900)	(979,900)
	OTHER			(10,524,000)	(10,557,500)
	TOTAL-ALL SOURCES			40,628,500	39,727,700
17	(3) ENFORCEMENT AND SCIENCE				

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ak) Law enforcement – snowmobile				
2	enforcement and safety training;				
3	service funds	PR-S	A	1,196,900	1,216,400
4	(aq) Law enforcement — snowmobile				
5	enforcement and safety training	SEG	A	6,100	1,400
6	(ar) Law enforcement — boat				
7	enforcement and safety training	SEG	A	2,696,700	2,702,800
8	(as) Law enforcement — all-terrain				
9	vehicle enforcement	SEG	A	1,277,300	1,288,000
10	(at) Education and safety programs	SEG	C	341,000	341,000
11	(aw) Law enforcement — car kill deer	SEG	A	514,600	514,600
12	(ax) Law enforcement – water resources				
13	enforcement	SEG	A	424,200	425,900
14	(ay) Law enforcement – car kill deer;				
15	transportation fund	SEG	A	514,600	514,600
16	(bg) Enforcement — stationary sources	PR	A	105,100	105,900
17	(bL) Operator certification — fees	PR	A	87,800	87,800
18	(dg) Environmental impact —				
19	consultant services; printing and				
20	postage costs	PR	C	–0–	–0–
21	(dh) Environmental impact — power				
22	projects	PR	C	27,800	27,800
23	(di) Environmental consulting costs —				
24	federal power projects	PR	A	–0–	–0–

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(fj) Environmental quality – laboratory				
2	certification	PR	A	710,100	717,100
3	(is) Lake research; voluntary				
4	contributions	SEG	C	69,300	69,300
5	(ma) General program operations —				
6	state funds	GPR	A	3,241,600	3,241,600
7	(mi) General program operations —				
8	private and public sources	PR	C	398,600	398,600
9	(mk) General program operations —				
10	service funds	PR-S	C	1,258,500	1,258,500
11	(mm) General program operations —				
12	federal funds	PR-F	C	531,500	531,500
13	(mq) General program operations —				
14	environmental fund	SEG	A	1,189,800	1,200,000
15	(mr) Recycling; enforcement and				
16	research	SEG	A	289,400	290,700
17	(ms) General program operations –				
18	pollution prevention	SEG	A	92,400	92,400
19	(mt) General program operations,				
20	nonpoint source — environmental				
21	fund	SEG	A	411,100	412,800
22	(mu) General program operations —				
23	state funds	SEG	A	20,444,800	20,492,200
24	(mw) Water resources – public health	SEG	A	25,000	25,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(my) General program operations —				
2	federal funds	SEG-F	C	6,544,300	6,544,300
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,241,600	3,241,600
	PROGRAM REVENUE			4,316,300	4,343,600
	FEDERAL			(531,500)	(531,500)
	OTHER			(1,329,400)	(1,337,200)
	SERVICE			(2,455,400)	(2,474,900)
	SEGREGATED FUNDS			34,840,600	34,915,000
	FEDERAL			(6,544,300)	(6,544,300)
	OTHER			(28,296,300)	(28,370,700)
	TOTAL-ALL SOURCES			42,398,500	42,500,200
3	(4) WATER				
4	(af) Water resources – remedial action	GPR	C	142,500	142,500
5	(ag) Water resources – pollution credits	PR	C	–0–	–0–
6	(ah) Water resources – Great Lakes				
7	protection fund	PR	C	229,000	229,000
8	(aq) Water resources management –				
9	lake, river and invasive species				
10	management	SEG	A	3,265,900	3,277,700
11	(ar) Water resources – groundwater				
12	management	SEG	B	91,900	91,900
13	(as) Water resources — trading water				
14	pollution credits	SEG	C	–0–	–0–
15	(at) Watershed — nonpoint source				
16	contracts	SEG	B	997,600	997,600
17	(au) Cooperative remedial action;				
18	contributions	SEG	C	–0–	–0–

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(av) Cooperative remedial action;				
2	interest on contributions	SEG	S	-0-	-0-
3	(bg) Water regulation and zoning –				
4	computer access fees	PR	C	-0-	-0-
5	(bh) Water regulation and zoning – dam				
6	inspect. and safety administ.; gen.				
7	fund	PR	A	-0-	-0-
8	(bi) Water regulation and zoning – fees	PR	C	820,100	829,800
9	(bj) Storm water management – fees	PR	A	1,699,400	1,705,100
10	(bL) Wastewater management – fees	PR	C	165,000	165,200
11	(br) Water reg. & zoning — dam safety				
12	& wetland mapping; conservation				
13	fund	SEG	A	655,100	655,700
14	(cg) Groundwater quantity				
15	administration	PR	A	507,600	507,600
16	(ch) Groundwater quantity research	PR	B	100,000	100,000
17	(kk) Fishery resources for ceded				
18	territories	PR-S	A	162,700	163,100
19	(kr) Commercial fish protection and				
20	Great Lakes resource surcharges	SEG	C	5,600	5,600
21	(ku) Great Lakes trout and salmon	SEG	C	1,264,800	1,298,000
22	(kv) Trout habitat improvement	SEG	C	1,251,600	1,322,900
23	(kw) Sturgeon stock and habitat	SEG	C	133,600	140,900

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ky) Sturgeon stock and habitat – inland				
2	waters	SEG	C	137,300	137,300
3	(ma) General program operations – state				
4	funds	GPR	A	–0–	–0–
5	Watershed management	GPR	A	12,619,800	12,619,800
6	Fisheries management and habitat				
7	protection	GPR	A	231,500	231,500
8	Drinking water and groundwater	GPR	A	2,455,600	2,455,600
9	Water program management	GPR	A	993,300	993,300
	NET APPROPRIATION			16,300,200	16,300,200
10	(mi) General program operations –				
11	private and public sources	PR	C	230,000	230,000
12	(mk) General program operations —				
13	service funds	PR-S	C	584,400	584,400
14	(mm) General program operations –				
15	federal funds	PR-F	C	–0–	–0–
16	Watershed management	PR-F	C	9,770,600	9,602,100
17	Fisheries management and habitat				
18	protection	PR-F	C	619,100	619,100
19	Drinking water and groundwater	PR-F	C	4,989,600	4,989,600
	NET APPROPRIATION			15,379,300	15,210,800
20	(mq) General program operations –				
21	environmental fund	SEG	A	–0–	–0–
22	Watershed management	SEG	A	2,119,900	2,121,200

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	Drinking water and groundwater	SEG	A	2,313,800	2,329,100
2	Water program management	SEG	A	-0-	-0-
	NET APPROPRIATION			4,433,700	4,450,300
3	(mr) General program operations,				
4	nonpoint source	SEG	A	543,600	546,100
5	(mt) General program				
6	operations-environmental				
7	improvement programs; state funds	SEG	A	731,400	731,400
8	(mu) General program operations – state				
9	funds	SEG	A	16,932,700	17,081,600
10	(mw) Petroleum inspection fund				
11	supplement to env. fund;				
12	groundwater management	SEG	A	766,900	766,900
13	(mx) General program operations – clean				
14	water fund program; federal funds	SEG-F	C	788,100	788,100
15	(my) General program operations –				
16	environmental fund – federal funds	SEG-F	C	-0-	-0-
17	(mz) General program operations –				
18	federal funds	SEG-F	C	4,592,000	4,592,000
19	(nz) General program operations-safe				
20	drinking water loan programs;				
21	federal funds	SEG-F	C	807,500	807,500
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			16,442,700	16,442,700
	PROGRAM REVENUE			19,877,500	19,725,000
	FEDERAL			(15,379,300)	(15,210,800)
	OTHER			(3,751,100)	(3,766,700)

SENATE BILL 40

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
	SERVICE			(747,100)	(747,500)
	SEGREGATED FUNDS			37,399,300	37,691,500
	FEDERAL			(6,187,600)	(6,187,600)
	OTHER			(31,211,700)	(31,503,900)
	TOTAL-ALL SOURCES			73,719,500	73,859,200
1	(5) CONSERVATION AIDS				
2	(ac) Resource aids – Milwaukee Public				
3	Museum	GPR	A	-0-	-0-
4	(aq) Resource aids – Canadian agencies				
5	migratory waterfowl aids	SEG	C	169,200	169,200
6	(ar) Resource aids – county				
7	conservation aids	SEG	C	150,000	150,000
8	(as) Recreation aids – fish, wildlife and				
9	forestry recreation aids	SEG	C	234,500	234,500
10	(at) Ice age trail area grants	SEG	A	75,000	75,000
11	(au) Resource aids – Ducks Unlimited,				
12	Inc., payments	SEG	C	-0-	-0-
13	(av) Resource aids – private forest				
14	grants	SEG	B	1,650,000	1,710,000
15	(aw) Resource aids – nonprofit				
16	conservation organizations	SEG	C	235,000	235,000
17	(ax) Resource aids – forestry	SEG	A	150,000	150,000
18	(ay) Resource aids – urban land				
19	conservation	SEG	A	75,000	75,000
20	(bq) Resource aids – county forest loans;				
21	severance share payments	SEG	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(br) Resource aids – forest croplands				
2	and managed forest land aids	SEG	A	1,250,000	1,250,000
3	(bs) Resource aids – county forest loans	SEG	A	622,400	622,400
4	(bt) Resource aids – county forest				
5	project loans	SEG	C	400,000	400,000
6	(bu) Resource aids – county forest				
7	project loans; severance share				
8	payments	SEG	C	-0-	-0-
9	(bv) Res. aids – county forests, forest				
10	croplands and managed forest land				
11	aids	SEG	S	1,416,400	1,416,400
12	(bw) Res. aids–urban forestry, county				
13	sust. forestry & county forest adm.				
14	grants	SEG	A	2,128,100	2,128,100
15	(bx) Resource aids – national forest				
16	income aids	SEG-F	C	782,200	782,200
17	(by) Resource aids — fire suppression				
18	grants	SEG	A	448,000	448,000
19	(bz) Resource aids – forestry outdoor				
20	activity grants	SEG	C	800,000	1,000,000
21	(cb) Recreation aids – snowmobile trail				
22	and area aids; general fund	GPR	A	-0-	-0-
23	(cq) Recreation aids – recreational				
24	boating and other projects	SEG	C	3,122,000	3,122,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(cr) Recreation aids – county				
2	snowmobile trail and area aids	SEG	C	2,500,400	2,500,400
3	(cs) Recreation aids – snowmobile trail				
4	areas	SEG	C	4,713,500	4,760,600
5	(ct) Recreation aids – all-terrain				
6	vehicle project aids; gas tax				
7	payment	SEG	C	1,881,000	1,973,700
8	(cu) Recreation aids — all-terrain				
9	vehicle project aids	SEG	C	2,088,000	2,000,000
10	(cw) Recreation aids – supplemental				
11	snowmobile trail aids	SEG	C	537,300	537,300
12	(cx) Recreation aids — all-terrain				
13	vehicle safety program	SEG	A	300,000	300,000
14	(cy) Recreation and resource aids,				
15	federal funds	SEG-F	C	3,162,100	3,162,100
16	(da) Aids in lieu of taxes – general fund	GPR	S	4,723,000	5,878,000
17	(dq) Aids in lieu of taxes – sum				
18	sufficient	SEG	S	780,000	780,000
19	(dr) Aids in lieu of taxes – sum certain	SEG	A	4,000,000	4,000,000
20	(dx) Resource aids — payment in lieu of				
21	taxes; federal	SEG-F	C	440,000	440,000
22	(ea) Enforcement aids — spearfishing				
23	enforcement	GPR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(eq) Enforcement aids — boating				
2	enforcement	SEG	A	1,400,000	1,400,000
3	(er) Enforcement aids — all-terrain				
4	vehicle enforcement	SEG	A	500,000	500,000
5	(es) Enforcement aids — snowmobiling				
6	enforcement	SEG	A	400,000	400,000
7	(ex) Enforcement aids — federal funds	SEG-F	C	-0-	-0-
8	(fq) Wildlife damage claims and				
9	abatement	SEG	C	2,187,700	2,187,700
10	(fr) Wildlife abatement and control				
11	grants	SEG	B	25,000	25,000
12	(fs) Venison processing	SEG	B	600,000	600,000
13	(ft) Venison processing; voluntary				
14	contributions	SEG	C	-0-	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,723,000	5,878,000
	SEGREGATED FUNDS			39,222,800	39,534,600
	FEDERAL			(4,384,300)	(4,384,300)
	OTHER			(34,838,500)	(35,150,300)
	TOTAL-ALL SOURCES			43,945,800	45,412,600
15	(6) ENVIRONMENTAL AIDS				
16	(aa) Environmental aids – nonpoint				
17	source	GPR	B	839,400	839,400
18	(ar) Environmental aids – lake				
19	protection	SEG	C	4,175,400	4,175,400

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(au) Environmental aids — river				
2	protection; environmental fund	SEG	A	-0-	-0-
3	(av) Environmental aids – river				
4	protection; conservation fund	SEG	A	292,400	292,400
5	(aw) Environmental aids – river				
6	protection, nonprofit organization				
7	contracts	SEG	C	75,000	75,000
8	(bj) Environmental aids — waste				
9	reduction and recycling grants and				
10	gifts	PR	C	-0-	-0-
11	(bk) Environmental aids — wastewater				
12	and drinking water grant	PR-S	A	-0-	-0-
13	(br) Environmental aids – waste				
14	reduction and recycling	SEG	C	1,500,000	1,500,000
15	(bu) Financial assistance for responsible				
16	units	SEG	A	24,500,000	24,500,000
17	(bv) Recycling efficiency incentive				
18	grants	SEG	A	1,900,000	1,900,000
19	(ca) Environmental aids – scenic urban				
20	waterways	GPR	C	-0-	-0-
21	(cm) Environmental aids – federal funds	PR-F	C	-0-	-0-
22	(cr) Environmental aids – compensation				
23	for well contamination	SEG	C	294,000	294,000

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(da) Environmental planning aids –				
2	local water quality planning	GPR	A	269,200	269,200
3	(dm) Environmental planning aids –				
4	federal funds	PR-F	C	150,000	150,000
5	(dq) Environmental aids — urban				
6	nonpoint source	SEG	B	1,399,000	1,399,000
7	(ef) Brownfields revolving loan				
8	repayments	PR	C	-0-	-0-
9	(eg) Groundwater mitigation and local				
10	assistance	PR	C	512,100	512,100
11	(eh) Brownfields revolving loan funds				
12	administered for other entity	PR	C	-0-	-0-
13	(em) Federal brownfields revolving loan				
14	funds	PR-F	C	1,000,000	1,000,000
15	(eq) Environmental aids – dry cleaner				
16	environmental response	SEG	B	1,050,000	1,050,000
17	(et) Environmental aids – brownfield				
18	site assessment	SEG	B	1,700,000	1,700,000
19	(eu) Environmental aids – brownfields				
20	green space grants	SEG	B	500,000	500,000
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,108,600	1,108,600
	PROGRAM REVENUE			1,662,100	1,662,100
	FEDERAL			(1,150,000)	(1,150,000)
	OTHER			(512,100)	(512,100)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			37,385,800	37,385,800

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
	OTHER			(37,385,800)	(37,385,800)
	TOTAL-ALL SOURCES			40,156,500	40,156,500
1	(7) DEBT SERVICE AND DEVELOPMENT				
2	(aa) Resource acquisition and				
3	development – principal repayment				
4	and interest	GPR	S	42,021,100	47,527,600
5	(ac) Principal repayment and interest –				
6	recreational boating bonds	GPR	S	-0-	-0-
7	(ag) Land acquisition – principal				
8	repayment and interest	PR	C	-0-	-0-
9	(aq) Resource acquisition and				
10	development – principal repayment				
11	and interest	SEG	S	233,800	153,300
12	(ar) Dam repair and removal – principal				
13	repayment and interest	SEG	S	508,600	523,200
14	(at) Recreation development – principal				
15	repayment and interest	SEG	S	-0-	-0-
16	(au) State forest acquisition and				
17	development – principal				
18	repayment and interest	SEG	A	13,500,000	13,500,000
19	(bq) Principal repayment and interest –				
20	remedial action	SEG	S	3,747,600	4,086,000
21	(br) Principal repayment and interest –				
22	contaminated sediment	SEG	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ca) Principal repayment and interest –				
2	nonpoint source grants	GPR	S	6,654,400	7,068,700
3	(cb) Principal repayment and interest –				
4	pollution abatement bonds	GPR	S	46,284,400	44,667,900
5	(cc) Principal repay. and int. – combined				
6	sewer overflow; pollution abat.				
7	bonds	GPR	S	15,275,200	14,380,300
8	(cd) Principal repayment and interest –				
9	municipal clean drinking water				
10	grants	GPR	S	942,400	1,487,500
11	(ce) Principal repayment and interest –				
12	nonpoint source	GPR	S	261,500	324,100
13	(cf) Principal repayment and interest –				
14	urban nonpoint source cost-sharing	GPR	S	1,531,000	1,875,200
15	(cg) Principal repayment and interest –				
16	nonpoint repayments	PR	C	-0-	-0-
17	(ea) Administrative facilities – principal				
18	repayment and interest	GPR	S	817,000	824,200
19	(eq) Administrative facilities – principal				
20	repayment and interest	SEG	S	2,647,000	3,174,300
21	(er) Administrative facilities – principal				
22	repayment & interest; env. fund	SEG	S	481,900	580,100
23	(fa) Resource maintenance and				
24	development – state funds	GPR	C	894,400	894,400

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(fk) Resource acquisition and				
2	development – service funds;				
3	transportation moneys	PR-S	C	1,000,000	1,000,000
4	(fr) Resource acq. and dev. – boating				
5	access to southeastern lakes	SEG	C	100,000	100,000
6	(fs) Resource acquisition and				
7	development – state funds	SEG	C	898,100	898,100
8	(ft) Resource acquisition and				
9	development – boating access	SEG	C	200,000	200,000
10	(fu) Resource acquisition and				
11	development — nonmotorized				
12	boating improvements	SEG	C	-0-	-0-
13	(fw) Resource acq. and dev. – Mississippi				
14	and St. Croix rivers management	SEG	C	62,500	62,500
15	(fy) Resource acquisition and				
16	development — federal funds	SEG-F	C	9,120,000	9,120,000
17	(gg) Ice age trail – gifts and grants	PR	C	-0-	-0-
18	(gq) State trails – gifts and grants	SEG	C	-0-	-0-
19	(ha) Facilities acquisition, development				
20	and maintenance	GPR	C	170,900	170,900
21	(hq) Facilities acquisition, development				
22	and maintenance – conservation				
23	fund	SEG	C	376,800	376,800
24	(jr) Rental property and equipment –				
25	maintenance and replacement	SEG	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(mi) General program operations –				
2	private and public sources	PR	C	–0–	–0–
3	(mk) General program operations –				
4	service funds	PR-S	C	–0–	–0–
5	(mr) Resource maintenance and				
6	development – state park, forest &				
7	riverway roads	SEG	C	321,400	321,400
	(7) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			114,852,300	119,220,800
	PROGRAM REVENUE			1,000,000	1,000,000
	OTHER			(–0–)	(–0–)
	SERVICE			(1,000,000)	(1,000,000)
	SEGREGATED FUNDS			32,197,700	33,095,700
	FEDERAL			(9,120,000)	(9,120,000)
	OTHER			(23,077,700)	(23,975,700)
	TOTAL-ALL SOURCES			148,050,000	153,316,500
8	(8) ADMINISTRATION AND TECHNOLOGY				
9	(ir) Promotional activities and				
10	publications	SEG	C	83,000	83,000
11	(iw) Statewide recycling administration	SEG	A	337,000	345,000
12	(ma) General program operations —				
13	state funds	GPR	A	2,691,900	2,691,900
14	(mg) General program operations —				
15	stationary sources	PR	A	88,700	106,600
16	(mi) General program operations —				
17	private and public sources	PR	C	–0–	–0–
18	(mk) General program operations —				
19	service funds	PR-S	C	5,111,400	5,111,400

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(mq) General program operations —				
2	mobile sources	SEG	A	764,900	764,900
3	(mr) General program operations –				
4	environmental improvement fund	SEG	A	353,700	353,700
5	(mt) Equipment pool operations	SEG-S	C	-0-	-0-
6	(mu) General program operations —				
7	state funds	SEG	A	15,558,900	15,590,400
8	(mv) General program operations —				
9	environmental fund	SEG	A	1,315,000	1,345,700
10	(mz) Indirect cost reimbursements	SEG-F	C	7,292,500	7,305,300
11	(ni) Geographic information systems,				
12	general program operations – other				
13	funds	PR	C	38,700	38,700
14	(nk) Geographic information systems,				
15	general program operations —				
16	service funds	PR-S	C	1,698,700	1,698,700
17	(zq) Gifts and donations	SEG	C	-0-	-0-
(8) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,691,900	2,691,900
	PROGRAM REVENUE			6,937,500	6,955,400
	OTHER			(127,400)	(145,300)
	SERVICE			(6,810,100)	(6,810,100)
	SEGREGATED FUNDS			25,705,000	25,788,000
	FEDERAL			(7,292,500)	(7,305,300)
	OTHER			(18,412,500)	(18,482,700)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			35,334,400	35,435,300

18 (9) CUSTOMER ASSISTANCE AND EXTERNAL RELATIONS

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(eg) Gifts and grants; environmental				
2	management systems	PR	C	-0-	-0-
3	(gb) Education programs – program fees	PR	B	63,700	63,700
4	(hk) Approval fees to Lac du Flambeau				
5	band–service funds	PR-S	A	100,000	100,000
6	(hs) Approval fees from Lac du				
7	Flambeau band	SEG	C	-0-	-0-
8	(ht) Approval fees to Lac du Flambeau				
9	band	SEG	S	-0-	-0-
10	(hu) Handling and other fees	SEG	C	154,000	154,000
11	(iq) Natural resources magazine	SEG	C	955,800	955,800
12	(is) Statewide recycling administration	SEG	A	452,200	452,400
13	(ma) General program operations – state				
14	funds	GPR	A	1,143,500	1,143,500
15	(mh) General programs operations –				
16	stationary sources	PR	A	440,600	440,600
17	(mi) General program operations —				
18	private and public sources	PR	C	40,000	40,000
19	(mk) General program operations —				
20	service funds	PR-S	C	1,734,400	1,734,400
21	(mm) General program operations –				
22	federal funds	PR-F	C	1,066,100	1,066,100
23	(mq) General program operations –				
24	mobile sources	SEG	A	178,300	178,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09	
1	(mt) Aids administration —					
2	environmental improvement					
3	programs; state funds	SEG	A	1,296,000	1,296,600	
4	(mu) General program operations – state					
5	funds	SEG	A	14,618,200	14,580,300	
6	(mv) General program operations —					
7	environmental fund	SEG	A	984,800	985,400	
8	(mw) Aids administration – snowmobile					
9	recreation	SEG	A	192,700	193,300	
10	(mx) Aids administration – clean water					
11	fund program; federal funds	SEG-F	C	1,179,000	1,179,000	
12	(my) General program operations –					
13	federal funds	SEG-F	C	288,700	288,700	
14	(mz) Indirect cost reimbursements	SEG-F	C	1,415,400	1,415,400	
15	(nq) Aids administration – dry cleaner					
16	environmental response	SEG	A	75,800	75,800	
17	(ny) Aids administration – safe drinking					
18	water loan programs; federal funds	SEG-F	C	182,900	182,900	
	(9) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,143,500	1,143,500	
	PROGRAM REVENUE			3,444,800	3,444,800	
	FEDERAL			(1,066,100)	(1,066,100)	
	OTHER			(544,300)	(544,300)	
	SERVICE			(1,834,400)	(1,834,400)	
	SEGREGATED FUNDS			21,973,800	21,937,900	
	FEDERAL			(3,066,000)	(3,066,000)	
	OTHER			(18,907,800)	(18,871,900)	
	TOTAL-ALL SOURCES			26,562,100	26,526,200	
	20.370 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			152,148,300	157,671,800	

SENATE BILL 40**SECTION 177**

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
PROGRAM REVENUE			66,271,400	65,231,600
FEDERAL			(27,099,100)	(26,930,600)
OTHER			(25,262,900)	(24,369,900)
SERVICE			(13,909,400)	(13,931,100)
SEGREGATED FUNDS			347,213,300	349,893,300
FEDERAL			(47,636,400)	(47,649,200)
OTHER			(299,576,900)	(302,244,100)
SERVICE			(-0-)	(-0-)
TOTAL-ALL SOURCES			565,633,000	572,796,700

1 20.373 Fox river navigational system authority

2 (1) INITIAL COSTS

3 (g) Administration, operation, repair,

4 and rehabilitation PR C -0- -0-

5 (r) Establishment and operation SEG C 126,700 126,700

20.373 DEPARTMENT TOTALS

PROGRAM REVENUE			-0-	-0-
OTHER			(-0-)	(-0-)
SEGREGATED FUNDS			126,700	126,700
OTHER			(126,700)	(126,700)
TOTAL-ALL SOURCES			126,700	126,700

6 20.380 Tourism, department of

7 (1) TOURISM DEVELOPMENT AND PROMOTION

8 (a) General program operations GPR A 3,588,600 3,594,000

9 (b) Tourism marketing; general

10 purpose revenue GPR A -0- -0-

11 (g) Gifts, grants and proceeds PR C 6,200 6,200

12 (h) Tourism promotion; sale of surplus

13 property receipts PR C -0- -0-

14 (ig) Golf promotion PR C -0- -0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ir) Payments to the WPGA Junior				
2	Foundation	PR	C	-0-	-0-
3	(j) Tourism promotion – private and				
4	public sources	PR	C	100,000	100,000
5	(k) Sale of materials or services	PR-S	C	-0-	-0-
6	(ka) Sale of materials and services–local				
7	assistance	PR-S	C	-0-	-0-
8	(kb) Sale of materials and				
9	services–individuals and				
10	organizations	PR-S	C	-0-	-0-
11	(kc) Marketing clearinghouse charges	PR-S	A	-0-	-0-
12	(kg) Tourism marketing; gaming				
13	revenue	PR-S	B	9,149,400	9,149,400
14	(km) Tourist information assistant	PR-S	A	101,600	101,600
15	(m) Federal aid, state operations	PR-F	C	-0-	-0-
16	(n) Federal aid, local assistance	PR-F	C	-0-	-0-
17	(o) Federal aid, individuals and				
18	organizations	PR-F	C	-0-	-0-
19	(q) Administrative				
20	services–conservation fund	SEG	A	12,200	12,200
21	(w) Tourism marketing; transportation				
22	fund	SEG	B	2,200,000	2,200,000
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			3,588,600	3,594,000
	PROGRAM REVENUE			9,357,200	9,357,200
	FEDERAL			(-0-)	(-0-)

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
	OTHER			(106,200)	(106,200)
	SERVICE			(9,251,000)	(9,251,000)
	SEGREGATED FUNDS			2,212,200	2,212,200
	OTHER			(2,212,200)	(2,212,200)
	TOTAL-ALL SOURCES			15,158,000	15,163,400
1	(2) KICKAPOO VALLEY RESERVE				
2	(ip) Kickapoo reserve management				
3	board; program services	PR	C	107,300	107,300
4	(ir) Kickapoo reserve management				
5	board; gifts and grants	PR	C	-0-	-0-
6	(kc) Kickapoo valley reserve; law				
7	enforcement services	PR-S	A	32,300	32,300
8	(ms) Kickapoo reserve management				
9	board; federal aid	PR-F	C	-0-	-0-
10	(q) Kickapoo reserve management				
11	board; general program operations	SEG	A	410,100	410,100
12	(r) Kickapoo valley reserve; aids in lieu				
13	of taxes	SEG	S	310,300	310,300
	(2) PROGRAM TOTALS				
	PROGRAM REVENUE			139,600	139,600
	FEDERAL			(-0-)	(-0-)
	OTHER			(107,300)	(107,300)
	SERVICE			(32,300)	(32,300)
	SEGREGATED FUNDS			720,400	720,400
	OTHER			(720,400)	(720,400)
	TOTAL-ALL SOURCES			860,000	860,000
	20.380 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			3,588,600	3,594,000
	PROGRAM REVENUE			9,496,800	9,496,800
	FEDERAL			(-0-)	(-0-)
	OTHER			(213,500)	(213,500)
	SERVICE			(9,283,300)	(9,283,300)
	SEGREGATED FUNDS			2,932,600	2,932,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
	OTHER			(2,932,600)	(2,932,600)
	TOTAL-ALL SOURCES			16,018,000	16,023,400
1	20.395 Transportation, department of				
2	(1) AIDS				
3	(ar) Corrections of transportation aid				
4	payments	SEG	S	-0-	-0-
5	(as) Transportation aids to counties,				
6	state funds	SEG	A	94,619,200	96,511,600
7	(at) Transportation aids to				
8	municipalities, state funds	SEG	A	297,683,400	303,637,000
9	(br) Milwaukee urban area rail transit				
10	system planning study; state funds	SEG	A	-0-	-0-
11	(bs) Transportation employment and				
12	mobility, state funds	SEG	C	336,000	336,000
13	(bt) Urban rail transit system grants	SEG	C	-0-	-0-
14	(bv) Transit and transportation				
15	employment and mobility aids, local				
16	funds	SEG-L	C	110,000	110,000
17	(bx) Transit and transportation				
18	employment and mobility aids,				
19	federal funds	SEG-F	C	38,000,000	38,000,000
20	(cq) Elderly and disabled capital aids,				
21	state funds	SEG	C	921,900	921,900
22	(cr) Elderly and disabled county aids,				
23	state funds	SEG	A	12,638,900	12,910,100

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(cv) Elderly and disabled aids, local				
2	funds	SEG-L	C	605,500	605,500
3	(cx) Elderly and disabled aids, federal				
4	funds	SEG-F	C	1,500,000	1,500,000
5	(ex) Highway safety, local assistance,				
6	federal funds	SEG-F	C	1,700,000	1,700,000
7	(fq) Connecting highways aids, state				
8	funds	SEG	A	12,851,900	12,851,900
9	(fs) Flood damage aids, state funds	SEG	S	600,000	600,000
10	(ft) Lift bridge aids, state funds	SEG	B	1,918,900	1,918,900
11	(fu) County forest road aids, state funds	SEG	A	303,300	303,300
12	(gq) Expressway policing aids, state				
13	funds	SEG	A	1,090,800	1,090,800
14	(gt) Soo Locks improvements, state				
15	funds	SEG	A	117,800	117,800
16	(hr) Tier B transit operating aids, state				
17	funds	SEG	A	22,749,900	23,204,900
18	(hs) Tier C transit operating aids, state				
19	funds	SEG	A	5,149,700	5,252,700
20	(ht) Tier A-1 transit operating aids,				
21	state funds	SEG	A	59,402,500	60,590,600
22	(hu) Tier A-2 transit operating aids,				
23	state funds	SEG	A	15,858,500	16,175,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ig) Professional football stadium				
2	maintenance and operating costs,				
3	state funds	PR	C	-0-	-0-
4	(ih) Child abuse and neglect prevention,				
5	state funds	PR	C	-0-	-0-
(1) PROGRAM TOTALS					
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			568,158,200	578,338,700
	FEDERAL			(41,200,000)	(41,200,000)
	OTHER			(526,242,700)	(536,423,200)
	LOCAL			(715,500)	(715,500)
	TOTAL-ALL SOURCES			568,158,200	578,338,700
6	(2) LOCAL TRANSPORTATION ASSISTANCE				
7	(aq) Accelerated local bridge				
8	improvement assistance, state				
9	funds	SEG	C	-0-	-0-
10	(av) Accelerated local bridge				
11	improvement assistance, local				
12	funds	SEG-L	C	-0-	-0-
13	(ax) Accelerated local bridge				
14	improvement assistance, federal				
15	funds	SEG-F	C	-0-	-0-
16	(bq) Rail service assistance, state funds	SEG	C	786,600	786,600
17	(bu) Freight rail infrastructure				
18	improvements, state funds	SEG	C	-0-	-0-
19	(bv) Rail service assistance, local funds	SEG-L	C	500,000	500,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(bw) Freight rail assistance loan				
2	repayments, local funds	SEG-L	C	4,000,000	4,000,000
3	(bx) Rail service assistance, federal				
4	funds	SEG-F	C	50,000	50,000
5	(cq) Harbor assistance, state funds	SEG	C	612,500	612,500
6	(cr) Rail passenger service, state funds	SEG	C	1,391,800	1,430,600
7	(cs) Harbor assistance, federal funds	SEG-F	C	-0-	-0-
8	(ct) Pass. railroad station imprvmt. &				
9	comm. rail trans. sys. grants, state				
10	fds.	SEG	B	1,000,000	-0-
11	(cu) Pass. railroad station imprvmt. &				
12	comm. rail trans. sys. grants, local				
13	fds.	SEG-L	C	-0-	-0-
14	(cv) Rail passenger service, local funds	SEG-L	C	-0-	-0-
15	(cw) Harbor assistance, local funds	SEG-L	C	-0-	-0-
16	(cx) Rail passenger service, federal				
17	funds	SEG-F	C	5,567,300	5,722,300
18	(dq) Aeronautics assistance, state funds	SEG	C	12,985,400	13,242,700
19	(ds) Aviation career education, state				
20	funds	SEG	A	155,300	155,300
21	(dv) Aeronautics assistance, local funds	SEG-L	C	42,000,000	42,000,000
22	(dx) Aeronautics assistance, federal				
23	funds	SEG-F	C	74,000,000	74,000,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(eq) Highway and local bridge				
2	improvement assistance, state				
3	funds	SEG	C	8,543,800	8,543,800
4	(ev) Loc. brdg. imprvmt. & trfc. marking				
5	enhncmnt. asst., loc. & transfrd.				
6	fnds.	SEG-L	C	8,780,400	8,780,400
7	(ex) Local bridge improvement				
8	assistance, federal funds	SEG-F	C	24,438,300	24,438,300
9	(fb) Local roads for job preservation,				
10	state funds	GPR	C	-0-	-0-
11	(fr) Local roads improvement program,				
12	state funds	SEG	C	16,917,400	17,255,700
13	(ft) Local roads improvement program;				
14	discretionary grants, state funds	SEG	C	7,140,000	7,282,800
15	(fv) Local transportation facility				
16	improvement assistance, local				
17	funds	SEG-L	C	38,414,400	38,895,500
18	(fx) Local transportation facility				
19	improvement assistance, federal				
20	funds	SEG-F	C	70,391,300	70,391,300
21	(fz) Local roads for job preservation,				
22	federal funds	SEG-F	C	-0-	-0-
23	(gj) Railroad crossing protection				
24	installation and maintenance, state				
25	funds	SEG	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(gq) Railroad crossing improvement and				
2	protection maintenance, state funds	SEG	A	2,250,000	2,250,000
3	(gr) Railroad crossing improvement and				
4	protection installation, state funds	SEG	C	1,700,000	1,700,000
5	(gs) Railroad crossing repair assistance,				
6	state funds	SEG	C	250,000	250,000
7	(gv) Railroad crossing improvement,				
8	local funds	SEG-L	C	-0-	-0-
9	(gx) Railroad crossing improvement,				
10	federal funds	SEG-F	C	3,299,600	3,299,600
11	(hq) Multimodal transportation studies,				
12	state funds	SEG	C	-0-	-0-
13	(hx) Multimodal transportation studies,				
14	federal funds	SEG-F	C	-0-	-0-
15	(iq) Transportation facilities economic				
16	assistance and development, state				
17	funds	SEG	C	3,625,000	3,625,000
18	(iv) Transportation facilities economic				
19	assistance and development, local				
20	funds	SEG-L	C	3,625,000	3,625,000
21	(iw) Transportation facility				
22	improvement loans, local funds	SEG-L	C	-0-	-0-
23	(ix) Transportation facilities economic				
24	assistance & development, federal				
25	funds	SEG-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(jq) Surface transportation grants, state				
2	funds	SEG	C	-0-	-0-
3	(jv) Surface transportation grants, local				
4	funds	SEG-L	C	-0-	680,000
5	(jx) Surface transportation grants,				
6	federal funds	SEG-F	C	-0-	2,720,000
7	(kv) Congestion mitigation and air				
8	quality improvement, local funds	SEG-L	C	3,124,700	3,124,700
9	(kx) Congestion mitigation and air				
10	quality improvement, federal funds	SEG-F	C	11,619,000	11,619,000
11	(mq) Astronautics assistance, state funds	SEG	C	-0-	-0-
12	(mv) Astronautics assistance, local funds	SEG-L	C	-0-	-0-
13	(mx) Astronautics assistance, federal				
14	funds	SEG-F	C	-0-	-0-
15	(nv) Transportation enhancement				
16	activities, local funds	SEG-L	C	1,682,600	1,682,600
17	(nx) Transportation enhancement				
18	activities, federal funds	SEG-F	C	6,251,600	6,251,600
19	(ny) Milwaukee lakeshore walkway,				
20	federal funds	SEG-F	B	-0-	-0-
21	(ph) Transportation infrastructure				
22	loans, gifts and grants	SEG	C	-0-	-0-
23	(pq) Transportation infrastructure				
24	loans, state funds	SEG	C	5,000	5,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(pu) Transportation infrastructure				
2	loans, service funds	SEG-S	C	-0-	-0-
3	(pv) Transportation infrastructure				
4	loans, local funds	SEG-L	C	-0-	-0-
5	(px) Transportation infrastructure				
6	loans, federal funds	SEG-F	C	-0-	-0-
7	(qv) Safe routes to school, local funds	SEG-L	C	460,000	323,000
8	(qx) Safe routes to school, federal funds	SEG-F	C	4,600,000	3,230,100
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			360,167,000	362,473,400
	FEDERAL			(200,217,100)	(201,722,200)
	OTHER			(57,362,800)	(57,140,000)
	SERVICE			(-0-)	(-0-)
	LOCAL			(102,587,100)	(103,611,200)
	TOTAL-ALL SOURCES			360,167,000	362,473,400
9	(3) STATE HIGHWAY FACILITIES				
10	(bq) Major highway development, state				
11	funds	SEG	C	58,668,200	61,553,500
12	(br) Major highway development,				
13	service funds	SEG-S	C	165,738,300	167,395,600
14	(bv) Major highway development, local				
15	funds	SEG-L	C	-0-	-0-
16	(bx) Major highway development,				
17	federal funds	SEG-F	C	78,975,000	78,975,000
18	(ck) West Canal Street reconstruction				
19	and extension, service funds	PR-S	C	-0-	-0-

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(cq) State highway rehabilitation, state				
2	funds	SEG	C	280,549,500	308,466,300
3	(cr) Southeast Wisconsin freeway				
4	rehabilitation, state funds	SEG	C	64,256,500	87,658,400
5	(ct) Marquette interchange reconstr,				
6	owner controlled ins pgm, service				
7	funds	SEG-S	C	-0-	-0-
8	(cv) State highway rehabilitation, local				
9	funds	SEG-L	C	2,000,000	2,000,000
10	(cw) Southeast Wisconsin freeway				
11	rehabilitation, local funds	SEG-L	C	-0-	-0-
12	(cx) State highway rehabilitation,				
13	federal funds	SEG-F	C	347,963,200	345,243,200
14	(cy) Southeast Wisconsin freeway				
15	rehabilitation, federal funds	SEG-F	C	72,493,500	80,091,600
16	(eq) Highway maintenance, repair, and				
17	traffic operations, state funds	SEG	C	209,193,100	217,559,400
18	(er) State-owned lift bridge operations				
19	and maintenance, state funds	SEG	A	2,232,400	2,232,400
20	(ev) Highway maintenance, repair, and				
21	traffic operations, local funds	SEG-L	C	496,000	496,000
22	(ex) Highway maintenance, repair, and				
23	traffic operations, federal funds	SEG-F	C	1,102,900	1,102,900

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(iq) Administration and planning, state				
2	funds	SEG	A	17,697,600	17,697,600
3	(ir) Disadvantaged business				
4	mobilization assistance, state funds	SEG	C	-0-	-0-
5	(iv) Administration and planning, local				
6	funds	SEG-L	C	-0-	-0-
7	(ix) Administration and planning,				
8	federal funds	SEG-F	C	3,679,900	3,679,900
9	(jh) Utility facilities within highway				
10	rights-of-way, state funds	PR	C	-0-	-0-
11	(jj) Damage claims	PR	C	1,850,000	1,850,000
12	(js) Telecommunications services,				
13	service funds	SEG-S	C	-0-	-0-
	(3) PROGRAM TOTALS				
	PROGRAM REVENUE			1,850,000	1,850,000
	OTHER			(1,850,000)	(1,850,000)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			1,305,046,100	1,374,151,800
	FEDERAL			(504,214,500)	(509,092,600)
	OTHER			(632,597,300)	(695,167,600)
	SERVICE			(165,738,300)	(167,395,600)
	LOCAL			(2,496,000)	(2,496,000)
	TOTAL-ALL SOURCES			1,306,896,100	1,376,001,800
14	(4) GENERAL TRANSPORTATION OPERATIONS				
15	(aq) Departmental management and				
16	operations, state funds	SEG	A	62,199,900	62,098,500
17	(ar) Minor construction projects, state				
18	funds	SEG	C	-0-	-0-

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(at) Capital building projects, service				
2	funds	SEG-S	C	6,000,000	6,000,000
3	(av) Departmental management and				
4	operations, local funds	SEG-L	C	369,000	369,000
5	(ax) Departmental management and				
6	operations, federal funds	SEG-F	C	12,926,200	12,926,200
7	(ch) Gifts and grants	SEG	C	-0-	-0-
8	(dq) Demand management	SEG	A	357,600	357,600
9	(eq) Data processing services, service				
10	funds	SEG-S	C	15,003,900	15,003,900
11	(er) Fleet operations, service funds	SEG-S	C	12,094,500	12,094,500
12	(es) Other department services,				
13	operations, service funds	SEG-S	C	5,200,700	5,200,700
14	(et) Equipment acquisition	SEG	A	-0-	-0-
15	(ew) Operating budget supplements,				
16	state funds	SEG	C	-0-	-0-
(4) PROGRAM TOTALS					
	SEGREGATED FUNDS			114,151,800	114,050,400
	FEDERAL			(12,926,200)	(12,926,200)
	OTHER			(62,557,500)	(62,456,100)
	SERVICE			(38,299,100)	(38,299,100)
	LOCAL			(369,000)	(369,000)
	TOTAL-ALL SOURCES			114,151,800	114,050,400
17	(5) MOTOR VEHICLE SERVICES AND ENFORCEMENT				
18	(cg) Internet and telephone				
19	transactions, state funds	PR	C	-0-	-0-

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ch) Repaired salvage vehicle				
2	examinations, state funds	PR	C	-0-	-0-
3	(ci) Breath screening instruments,				
4	state funds	PR	C	299,200	299,200
5	(cj) Vehicle registration, special group				
6	plates, state funds	PR	C	-0-	-0-
7	(cL) Licensing fees, state funds	PR	C	-0-	-0-
8	(cq) Veh. reg., insp. & maint., driver				
9	licensing & aircraft reg., state				
10	funds	SEG	A	81,237,700	83,466,800
11	(cx) Vehicle registration and driver				
12	licensing, federal funds	SEG-F	C	200,000	200,000
13	(dg) Escort, security and traffic				
14	enforcement services, state funds	PR	C	162,100	162,100
15	(dh) Traffic academy tuition payments,				
16	state funds	PR	C	474,800	474,800
17	(di) Chemical testing training and				
18	services, state funds	PR	A	1,388,600	1,388,600
19	(dk) Public safety radio management,				
20	service funds	PR-S	C	286,100	286,100
21	(dL) Public safety radio management,				
22	state funds	PR	C	22,000	22,000

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(dq) Vehicle inspection, traffic				
2	enforcement and radio				
3	management, state funds	SEG	A	59,513,400	59,863,000
4	(dr) Transportation safety, state funds	SEG	A	1,512,200	1,512,200
5	(dx) Vehicle inspection and traffic				
6	enforcement, federal funds	SEG-F	C	8,526,300	8,473,200
7	(dy) Transportation safety, federal funds	SEG-F	C	3,826,200	3,826,200
8	(ek) Safe-ride grant program; state				
9	funds	PR-S	C	-0-	-0-
10	(hq) Mtr. veh. emission inspec. & maint.				
11	prog.; contractor costs & equip.				
12	grants	SEG	A	13,324,400	13,274,400
13	(hx) Motor vehicle emission inspection				
14	and maintenance programs, federal				
15	funds	SEG-F	C	-0-	-0-
16	(iv) Municipal and county registration				
17	fee, local funds	SEG-L	C	-0-	-0-
18	(jr) Pretrial intoxicated driver				
19	intervention grants, state funds	SEG	A	779,400	779,400
(5) PROGRAM TOTALS					
	PROGRAM REVENUE			2,632,800	2,632,800
	OTHER			(2,346,700)	(2,346,700)
	SERVICE			(286,100)	(286,100)
	SEGREGATED FUNDS			168,919,600	171,395,200
	FEDERAL			(12,552,500)	(12,499,400)
	OTHER			(156,367,100)	(158,895,800)
	LOCAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			171,552,400	174,028,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(6) DEBT SERVICES				
2	(af) Prin. rpmt. & int., local rds. job				
3	psrv. & maj. hwy & rehab., state				
4	funds	GPR	S	58,890,700	47,114,400
5	(aq) Principal repayment and interest,				
6	transportation facilities, state funds	SEG	S	5,434,300	6,885,600
7	(ar) Principal repayment and interest,				
8	buildings, state funds	SEG	S	8,500	8,500
9	(au) Prin pmt & int, Marq interch & I94				
10	n-s corridor reconst proj, state fds	SEG	S	16,920,800	16,920,200
11	(bq) Princ. repay. & interest, major				
12	highway and rehab. projects, state				
13	funds	SEG	A	26,600,000	43,300,000
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			58,890,700	47,114,400
	SEGREGATED FUNDS			48,963,600	67,114,300
	OTHER			(48,963,600)	(67,114,300)
	TOTAL-ALL SOURCES			107,854,300	114,228,700
14	(9) GENERAL PROVISIONS				
15	(gg) Credit card use charges	SEG	C	-0-	-0-
16	(qd) Freeway land disposal				
17	reimbursement clearing account	SEG	C	-0-	-0-
18	(qh) Highways, bridges and local				
19	transportation assistance clearing				
20	account	SEG	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(qj) Hwys., bridges & local transp.				
2	assist. clearing acct., fed. funded				
3	pos.	SEG-F	C	-0-	-0-
4	(qn) Motor vehicle financial				
5	responsibility	SEG	C	-0-	-0-
6	(th) Temporary funding of projects				
7	financed by revenue bonds	SEG	S	-0-	-0-

(9) PROGRAM TOTALS

SEGREGATED FUNDS	-0-	-0-
FEDERAL	(-0-)	(-0-)
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	-0-	-0-

20.395 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	58,890,700	47,114,400
PROGRAM REVENUE	4,482,800	4,482,800
OTHER	(4,196,700)	(4,196,700)
SERVICE	(286,100)	(286,100)
SEGREGATED FUNDS	2,565,406,300	2,667,523,800
FEDERAL	(771,110,300)	(777,440,400)
OTHER	(1,484,091,000)	(1,577,197,000)
SERVICE	(204,037,400)	(205,694,700)
LOCAL	(106,167,600)	(107,191,700)
TOTAL-ALL SOURCES	2,628,779,800	2,719,121,000

Environmental Resources**FUNCTIONAL AREA TOTALS**

GENERAL PURPOSE REVENUES	259,520,400	258,070,700
PROGRAM REVENUE	80,251,000	79,211,200
FEDERAL	(27,099,100)	(26,930,600)
OTHER	(29,673,100)	(28,780,100)
SERVICE	(23,478,800)	(23,500,500)
SEGREGATED FUNDS	2,921,865,800	3,026,663,300
FEDERAL	(818,746,700)	(825,089,600)
OTHER	(1,792,914,100)	(1,888,687,300)
SERVICE	(204,037,400)	(205,694,700)
LOCAL	(106,167,600)	(107,191,700)
TOTAL-ALL SOURCES	3,261,637,200	3,363,945,200

SENATE BILL 40

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
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Human Relations and Resources

1	20.410 Corrections, department of				
2	(1) ADULT CORRECTIONAL SERVICES				
3	(a) General program operations	GPR	A	665,886,800	668,956,800
4	(aa) Institutional repair and				
5	maintenance	GPR	A	4,201,300	4,201,300
6	(ab) Corrections contracts and				
7	agreements	GPR	A	22,701,600	15,526,800
8	(b) Services for community corrections	GPR	A	128,806,900	134,135,300
9	(bm) Pharmacological treatment for				
10	certain child sex offenders	GPR	A	110,000	110,000
11	(bn) Reimbursing counties for probation,				
12	extended supervision and parole				
13	holds	GPR	A	4,935,100	4,935,100
14	(c) Reimbursemnt claims of counties				
15	containing state prisons	GPR	S	185,700	185,700
16	(cw) Mother–young child care program	GPR	A	200,000	200,000
17	(d) Purchased services for offenders	GPR	A	28,877,200	31,172,200
18	(e) Principal repayment and interest	GPR	S	74,592,500	73,637,000
19	(ec) Prison industries principal, interest				
20	and rebates	GPR	S	–0–	–0–
21	(f) Energy costs	GPR	A	28,425,600	29,532,700

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(g) Loan fund for persons on probation,				
2	extended supervision or parole	PR	A	-0-	-0-
3	(gb) Drug testing	PR	C	-0-	-0-
4	(gc) Sex offender honesty testing	PR	C	122,000	122,000
5	(gd) Sex offender management	PR	A	813,000	1,076,500
6	(gf) Probation, parole and extended				
7	supervision	PR	A	11,845,800	11,845,800
8	(gi) General operations	PR	A	4,325,000	4,325,100
9	(gk) Global positioning system tracking				
10	devices	PR	C	10,500	75,600
11	(gr) Home detention services	PR	A	645,800	646,300
12	(gt) Telephone company commissions	PR	A	1,116,300	1,116,300
13	(h) Administration of restitution	PR	A	928,200	822,000
14	(i) Gifts and grants	PR	C	33,400	33,400
15	(jz) Operations and maintenance	PR	C	360,000	382,500
16	(kc) Correctional institution enterprises;				
17	inmate activities and employment	PR-S	C	3,158,900	3,158,900
18	(kf) Correctional farms	PR-S	A	4,283,000	4,284,600
19	(kh) Victim services and programs	PR-S	A	258,900	272,700
20	(kk) Institutional operations and				
21	charges	PR-S	A	17,644,800	17,946,400
22	(km) Prison industries	PR-S	A	18,416,900	18,282,900

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ko) Prison industries principal				
2	repayment, interest and rebates	PR-S	S	117,600	386,500
3	(kp) Correctional officer training	PR-S	A	2,552,800	2,689,200
4	(kx) Interagency and intra-agency				
5	programs	PR-S	C	2,461,100	2,517,200
6	(ky) Interagency and intra-agency aids	PR-S	C	1,442,100	1,442,100
7	(m) Federal project operations	PR-F	C	2,473,100	2,473,100
8	(n) Federal program operations	PR-F	C	86,800	86,800
9	(qm) Computer recycling	SEG	A	295,800	294,400
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			958,922,700	962,592,900
	PROGRAM REVENUE			73,096,000	73,985,900
	FEDERAL			(2,559,900)	(2,559,900)
	OTHER			(20,200,000)	(20,445,500)
	SERVICE			(50,336,100)	(50,980,500)
	SEGREGATED FUNDS			295,800	294,400
	OTHER			(295,800)	(294,400)
	TOTAL-ALL SOURCES			1,032,314,500	1,036,873,200
10	(2) EARNED RELEASE REVIEW COMMISSION				
11	(a) General program operations	GPR	A	1,142,900	1,143,000
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			1,142,900	1,143,000
	TOTAL-ALL SOURCES			1,142,900	1,143,000
12	(3) JUVENILE CORRECTIONAL SERVICES				
13	(a) General program operations	GPR	A	1,051,900	1,052,100
14	(ba) Mendota juvenile treatment center	GPR	A	1,379,300	1,379,300
15	(c) Reimbursement claims of counties				
16	containing juvenile corr facilities	GPR	A	200,000	200,000

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(cd) Community youth and family aids	GPR	A	90,841,000	90,841,000
2	(cg) Serious juvenile offenders	GPR	B	16,147,200	16,910,200
3	(e) Principal repayment and interest	GPR	S	4,877,500	4,900,400
4	(f) Community intervention program	GPR	A	3,750,000	3,750,000
5	(hm) Juvenile correctional services	PR	A	54,585,800	55,072,200
6	(ho) Juvenile residential aftercare	PR	A	4,558,100	4,831,200
7	(hr) Juvenile corrective sanctions				
8	program	PR	A	4,795,700	4,785,000
9	(i) Gifts and grants	PR	C	7,700	7,700
10	(j) State-owned housing maintenance	PR	A	35,000	35,000
11	(jr) Institutional operations and				
12	charges	PR	A	217,400	217,400
13	(ko) Interagency programs; community				
14	youth and family aids	PR-S	C	2,449,200	2,449,200
15	(kx) Interagency and intra-agency				
16	programs	PR-S	C	1,702,200	1,702,200
17	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
18	(n) Federal program operations	PR-F	C	30,000	30,000
19	(r) County aid fund; community youth				
20	and family aids	SEG	A	7,400,000	10,300,000

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	118,246,900	119,033,000
PROGRAM REVENUE	68,381,100	69,129,900
FEDERAL	(30,000)	(30,000)
OTHER	(64,199,700)	(64,948,500)
SERVICE	(4,151,400)	(4,151,400)
SEGREGATED FUNDS	7,400,000	10,300,000

SENATE BILL 40

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
OTHER			(7,400,000)	(10,300,000)
TOTAL-ALL SOURCES			194,028,000	198,462,900

20.410 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			1,078,312,500	1,082,768,900
PROGRAM REVENUE			141,477,100	143,115,800
FEDERAL			(2,589,900)	(2,589,900)
OTHER			(84,399,700)	(85,394,000)
SERVICE			(54,487,500)	(55,131,900)
SEGREGATED FUNDS			7,695,800	10,594,400
OTHER			(7,695,800)	(10,594,400)
TOTAL-ALL SOURCES			1,227,485,400	1,236,479,100

1 20.425 Employment relations commission**2 (1) LABOR RELATIONS**

3	(a)	General program operations	GPR	A	2,587,600	2,820,400
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4	(i)	Fees, collective bargaining training,				
5		publications, and appeals	PR	A	558,100	598,000

20.425 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES			2,587,600	2,820,400
PROGRAM REVENUE			558,100	598,000
OTHER			(558,100)	(598,000)
TOTAL-ALL SOURCES			3,145,700	3,418,400

6 20.432 Board on aging and long-term care**7 (1) IDENTIFICATION OF THE NEEDS OF THE AGED AND DISABLED**

8	(a)	General program operations	GPR	A	1,034,700	1,071,900
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9	(i)	Gifts and grants	PR	C	-0-	-0-
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10	(k)	Contracts with other state agencies	PR-S	C	916,500	928,300
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11	(kb)	Insurance and other information,				
12		counseling and assistance	PR-S	A	425,900	434,900

13	(m)	Federal aid	PR-F	C	-0-	-0-
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SENATE BILL 40

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
20.432 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,034,700	1,071,900
PROGRAM REVENUE			1,342,400	1,363,200
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(1,342,400)	(1,363,200)
TOTAL-ALL SOURCES			2,377,100	2,435,100
1 20.433 Child abuse and neglect prevention board				
2 (1) PREVENTION OF CHILD ABUSE AND NEGLECT				
3 (b) Grants to organizations	GPR	C	340,000	340,000
4 (g) General program operations	PR	A	529,900	529,900
5 (h) Grants to organizations; program				
6 revenues	PR	C	2,042,900	2,182,200
7 (i) Gifts and grants	PR	C	-0-	-0-
8 (k) Interagency programs	PR-S	C	26,900	-0-
9 (m) Federal project operations	PR-F	C	167,400	167,400
10 (ma) Federal project aids	PR-F	C	450,000	450,000
11 (q) Children's trust fund; gifts and				
12 grants	SEG	C	23,100	23,100
20.433 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			340,000	340,000
PROGRAM REVENUE			3,217,100	3,329,500
FEDERAL			(617,400)	(617,400)
OTHER			(2,572,800)	(2,712,100)
SERVICE			(26,900)	(-0-)
SEGREGATED FUNDS			23,100	23,100
OTHER			(23,100)	(23,100)
TOTAL-ALL SOURCES			3,580,200	3,692,600
13 20.435 Health and family services, department of				
14 (1) PUBLIC HEALTH SERVICES PLANNING, REGULATION AND DELIVERY; STATE OPERATIONS				

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(a) General program operations	GPR	A	5,700,200	5,650,200
2	(ac) Child abuse and neglect prevention				
3	technical assistance	GPR	A	-0-	-0-
4	(c) Public health emergency				
5	quarantine costs	GPR	S	-0-	-0-
6	(gm) Licensing, review and certifying				
7	activities fees; supplies and services	PR	A	16,771,800	17,210,000
8	(gr) Supplemental food program for				
9	women, infants and children				
10	adminstration	PR	C	110,000	-0-
11	(hg) General program operations: health				
12	care information	PR	A	1,174,800	862,100
13	(hi) Compilations and special reports;				
14	health care information	PR	C	50,000	50,000
15	(i) Gifts and grants	PR	C	404,000	300,700
16	(jb) Congenital disorders; operations	PR	A	86,200	86,200
17	(kx) Interagency and intra-agency				
18	programs	PR-S	C	2,917,700	3,177,700
19	(m) Federal project operations	PR-F	C	20,080,000	20,010,900
20	(mc) Block grant operations	PR-F	C	5,864,700	5,743,600
21	(n) Federal program operations	PR-F	C	5,681,300	247,500
22	(q) Groundwater and air quality				
23	standards	SEG	A	306,000	306,000
(1) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				5,700,200	5,650,200

SENATE BILL 40

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
	PROGRAM REVENUE			53,140,500	47,688,700
	FEDERAL			(31,626,000)	(26,002,000)
	OTHER			(18,596,800)	(18,509,000)
	SERVICE			(2,917,700)	(3,177,700)
	SEGREGATED FUNDS			306,000	306,000
	OTHER			(306,000)	(306,000)
	TOTAL-ALL SOURCES			59,146,700	53,644,900
1	(2) DISABILITY AND ELDER SERVICES; INSTITUTIONS				
2	(a) General program operations	GPR	A	63,516,700	63,887,200
3	(aa) Institutional repair and				
4	maintenance	GPR	A	659,300	659,300
5	(bj) Competency examinations and				
6	conditional and supervised release				
7	services	GPR	B	8,588,300	9,765,600
8	(bm) Secure mental health units or				
9	facilities	GPR	A	75,088,900	79,438,100
10	(ee) Principal repayment and interest	GPR	S	13,756,000	13,592,200
11	(ef) Lease rental payments	GPR	S	-0-	-0-
12	(f) Energy costs	GPR	A	3,768,900	3,891,400
13	(g) Alternative services of institutes				
14	and centers	PR	C	11,882,600	11,898,100
15	(gk) Institutional operations and				
16	charges	PR	A	166,094,700	166,995,100
17	(gL) Extended intensive treatment				
18	surcharge	PR	C	-0-	-0-
19	(gs) Sex offender honesty testing	PR	C	-0-	-0-
20	(i) Gifts and grants	PR	C	388,600	388,600

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(kx) Interagency and intra-agency				
2	programs	PR-S	C	7,149,900	7,241,700
3	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
4	(kz) Interagency and intra-agency local				
5	assistance	PR-S	C	-0-	-0-
6	(m) Federal project operations	PR-F	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			165,378,100	171,233,800
	PROGRAM REVENUE			185,515,800	186,523,500
	FEDERAL			(-0-)	(-0-)
	OTHER			(178,365,900)	(179,281,800)
	SERVICE			(7,149,900)	(7,241,700)
	TOTAL-ALL SOURCES			350,893,900	357,757,300
7	(3) CHILDREN AND FAMILY SERVICES				
8	(a) General program operations	GPR	A	5,727,400	-0-
9	(bc) Grants for children's community				
10	programs	GPR	A	547,200	-0-
11	(bm) Services for children and families	GPR	S	-0-	-0-
12	(cd) Domestic abuse grants	GPR	A	6,383,700	-0-
13	(cf) Foster, trtmt foster &				
14	family-operated group home parent				
15	ins & liability	GPR	A	60,000	-0-
16	(cw) Milwaukee child welfare services;				
17	general program operations	GPR	A	12,418,700	-0-
18	(cx) Milwaukee child welfare services;				
19	aids	GPR	A	37,074,000	-0-

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(da) Child welfare program				
2	enhancement plan; aids	GPR	A	1,117,200	-0-
3	(dd) State foster care and adoption				
4	services	GPR	A	48,065,800	-0-
5	(dg) State adoption information				
6	exchange and state adoption center	GPR	A	171,300	-0-
7	(eg) Brighter futures initiative and				
8	tribal adolescent services	GPR	A	1,959,500	-0-
9	(f) Second-chance homes	GPR	A	-0-	-0-
10	(gx) Milwaukee child welfare services;				
11	collections	PR	C	7,720,700	-0-
12	(hh) Domestic abuse surcharge grants	PR	C	598,100	-0-
13	(i) Gifts and grants	PR	C	-0-	-0-
14	(j) Statewide automated child welfare				
15	information system receipts	PR	C	850,800	-0-
16	(jb) Fees for administrative services	PR	C	78,800	-0-
17	(jj) Searches for birth parents and				
18	adoption record information;				
19	foreign adopt	PR	A	90,300	-0-
20	(jm) Licensing activities	PR	A	958,400	-0-
21	(kc) Interagency and intra-agency aids;				
22	kinship care and long-term kinship				
23	care	PR-S	A	21,953,500	-0-

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(kd) Kinship care and long-term kinship				
2	care assessments	PR-S	A	1,464,000	-0-
3	(km) Federal block grant transfer; aids	PR-S	A	-0-	-0-
4	(kw) Interagency and intra-agency aids;				
5	Milwaukee child welfare services	PR-S	A	21,991,100	-0-
6	(kx) Interagency and intra-agency				
7	programs	PR-S	C	16,142,200	-0-
8	(ky) Interagency and intra-agency aids	PR-S	C	1,250,000	-0-
9	(kz) Interagency and intra-agency local				
10	assistance	PR-S	C	500,000	-0-
11	(m) Federal project operations	PR-F	C	782,400	-0-
12	(ma) Federal project aids	PR-F	C	3,780,700	-0-
13	(mb) Federal project local assistance	PR-F	C	-0-	-0-
14	(mc) Federal block grant operations	PR-F	C	2,371,500	-0-
15	(md) Federal block grant aids	PR-F	C	8,911,200	-0-
16	(me) Federal block grant local assistance	PR-F	C	-0-	-0-
17	(mw) Federal aid; Milwaukee child				
18	welfare services general program				
19	operations	PR-F	C	5,453,000	-0-
20	(mx) Federal aid; Milwaukee child				
21	welfare services aids	PR-F	C	13,619,300	-0-
22	(n) Federal program operations	PR-F	C	6,686,800	-0-
23	(na) Federal program aids	PR-F	C	3,202,200	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(nL) Federal program local assistance	PR-F	C	10,796,800	-0-
2	(pd) Federal aid; state foster care and				
3	adoption services	PR-F	C	44,828,900	-0-
4	(pm) Federal aid; adoption incentive				
5	payments	PR-F	C	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			113,524,800	-0-
	PROGRAM REVENUE			174,030,700	-0-
	FEDERAL			(100,432,800)	(-0-)
	OTHER			(10,297,100)	(-0-)
	SERVICE			(63,300,800)	(-0-)
	TOTAL-ALL SOURCES			287,555,500	-0-
6	(4) HEALTH SERVICES PLANNING, REG & DELIVERY; HLTH CARE FIN; OTHER SUPPORT PGMS				
7	(a) General program operations	GPR	A	10,415,700	10,426,000
8	(b) Medical assistance program				
9	benefits	GPR	B	1,402,503,400	1,481,966,800
10	(bm) MA food stamp program admin;				
11	contracts costs; ins reports & res				
12	ctrs	GPR	B	37,299,500	35,502,100
13	(bn) Income maintenance	GPR	B	37,301,800	37,547,300
14	(bt) Relief block grants to counties	GPR	A	400,000	400,000
15	(bv) Prescription drug assistance for				
16	elderly; aids	GPR	B	59,340,400	68,717,500
17	(d) Facility appeals mechanism	GPR	A	546,800	546,800
18	(e) Disease aids	GPR	B	4,956,200	4,491,300
19	(g) Family care benefit; cost sharing	PR	C	-0-	-0-

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(gm) Health services regulation	PR	A	21,200	21,200
2	(h) General or medical assistance				
3	medical program;				
4	intergovernmental transfer	PR	A	6,799,400	6,799,400
5	(i) Gifts and grants; health care				
6	financing	PR	C	115,800	115,800
7	(iL) Medical assistance provider				
8	assessments	PR	C	-0-	-0-
9	(im) Medical assistance; correct				
10	payment recovery; collections; other				
11	recoveries	PR	C	17,806,500	18,311,600
12	(in) Community options program;				
13	family care; recovery of costs				
14	administration	PR	A	102,600	102,600
15	(j) Prescription drug assistance for				
16	elderly; manufacturer rebates	PR	C	73,823,500	89,160,600
17	(jb) Prescription drug assistance for				
18	elderly; enrollment fees	PR	C	3,408,400	3,467,600
19	(je) Disease aids; drug manufacturer				
20	rebates	PR	C	258,300	286,200
21	(jw) BadgerCare plus administrative				
22	costs	PR	B	476,100	2,186,200
23	(jz) Medical assistance and BadgerCare				
24	cost sharing and employer penalty				
25	assess	PR	C	11,920,500	27,782,200

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(kb) Relief block grants to tribal				
2	governing bodies	PR-S	A	800,000	800,000
3	(kt) Medical assistance outreach and				
4	reimbursements for tribes	PR-S	B	1,070,000	1,070,000
5	(kx) Interagency and intra-agency				
6	programs	PR-S	C	2,681,900	2,681,900
7	(ky) Interagency and intra-agency aids	PR-S	C	995,600	995,600
8	(kz) Interagency and intra-agency local				
9	assistance	PR-S	C	386,100	386,100
10	(L) Fraud and error reduction	PR	C	801,300	801,300
11	(m) Federal project operations	PR-F	C	645,600	645,600
12	(ma) Federal project aids	PR-F	C	800,000	800,000
13	(md) Federal block grant aids	PR-F	C	-0-	-0-
14	(n) Federal program operations	PR-F	C	44,168,000	44,129,800
15	(na) Federal program aids	PR-F	C	9,244,100	9,244,100
16	(nn) Federal aid; income maintenance	PR-F	C	57,100,800	57,346,300
17	(o) Federal aid; medical assistance	PR-F	C	3,036,944,400	3,276,217,500
18	(pa) Federal aid; medical assistance and				
19	food stamps contracts				
20	administration	PR-F	C	66,909,800	68,258,700
21	(pg) Federal aid; prescription drug				
22	assistance for elderly	PR-F	C	53,669,900	59,533,700
23	(pv) Food stamps; electronic benefits				
24	transfer	PR-F	C	-0-	-0-

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(vt) Veterans trust fund; nurse stipends	SEG	A	43,700	43,700
2	(w) Medical assistance trust fund	SEG	B	102,742,600	105,450,400
3	(wm) Medical assistance trust fund;				
4	nursing homes	SEG	S	-0-	-0-
5	(wp) Medical assistance trust fund;				
6	county reimbursement	SEG	S	-0-	-0-
7	(x) Badger care health care program;				
8	medical assistance trust fund	SEG	C	-0-	-0-
9	(xd) Health care quality fund; medical				
10	assistance and BadgerCare benefits	SEG	C	568,432,800	588,396,800
11	(xe) Health care quality fund;				
12	administration	SEG	C	-0-	1,386,200
13	(xh) Health care quality fund;				
14	prescription drug assistance;				
15	benefits	SEG	C	-0-	-0-
16	(xi) Health care quality fund;				
17	prescription drug assistance;				
18	administration	SEG	C	-0-	-0-
19	(xk) Health care quality fund; quality				
20	and patient safety information				
21	technology	SEG	C	10,000,000	10,000,000
22	(y) Utility public benefits fund; income				
23	maintenance	SEG	A	-0-	-0-
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			1,552,763,800	1,639,597,800
	PROGRAM REVENUE			3,390,949,800	3,671,144,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
	FEDERAL			(3,269,482,600)	(3,516,175,700)
	OTHER			(115,533,600)	(149,034,700)
	SERVICE			(5,933,600)	(5,933,600)
	SEGREGATED FUNDS			681,219,100	705,277,100
	OTHER			(681,219,100)	(705,277,100)
	TOTAL-ALL SOURCES			5,624,932,700	6,016,018,900
1	(5) PUBLIC HEALTH SERVICES PLANNING, REGULATION & DELIVERY; AIDS & LOCAL ASSIST				
2	(ab) Child abuse and neglect prevention				
3	and universal home visitation				
4	grants	GPR	A	995,700	-0-
5	(am) Services, reimbursement and				
6	payment related to human				
7	immunodeficiency virus	GPR	A	4,708,800	7,271,800
8	(cb) Well woman program	GPR	A	2,188,200	2,188,200
9	(cc) Cancer control and prevention	GPR	A	394,600	394,600
10	(ce) Primary health for homeless				
11	individuals	GPR	C	125,000	125,000
12	(cm) Immunization	GPR	S	-0-	-0-
13	(de) Dental services	GPR	A	3,136,600	3,136,600
14	(dm) Rural health dental clinics	GPR	A	987,600	987,600
15	(dn) Food distribution costs	GPR	A	320,000	-0-
16	(ds) Statewide poison control program	GPR	A	375,000	375,000
17	(e) Public health dispensaries and				
18	drugs	GPR	B	453,500	507,600
19	(ed) Radon aids	GPR	A	30,000	30,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ef) Lead poisoning or lead exposure				
2	services	GPR	A	1,004,100	1,004,100
3	(eg) Pregnancy counseling	GPR	A	77,600	77,600
4	(em) Supplemental food program for				
5	women, infants and children				
6	benefits	GPR	C	179,300	-0-
7	(ev) Pregnancy outreach and infant				
8	health	GPR	A	211,200	211,200
9	(f) Family planning	GPR	A	1,955,200	1,955,200
10	(fh) Community health services	GPR	A	3,075,000	3,075,000
11	(fi) Payments to the Wisconsin				
12	Women's Health Foundation	PR	C	-0-	-0-
13	(fm) Tobacco use control grants	GPR	C	-0-	-0-
14	(i) Gifts and grants; aids	PR	C	4,554,500	3,443,400
15	(ja) Congenital disorders; diagnosis,				
16	special dietary treatment and				
17	counseling	PR	A	2,194,300	2,294,300
18	(kb) Minority health	PR-S	A	150,000	150,000
19	(ke) American Indian health projects	PR-S	A	120,000	120,000
20	(ky) Interagency and intra-agency aids	PR-S	C	192,700	252,700
21	(ma) Federal project aids	PR-F	C	45,753,300	44,994,500
22	(md) Block grant aids	PR-F	C	8,159,000	8,159,000
23	(na) Federal program aids	PR-F	C	64,152,300	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(r) Health care quality fund; tobacco				
2	use control	SEG	C	30,000,000	30,000,000
3	(rb) Emergency medical services; aids	SEG	A	2,200,000	2,200,000
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			20,217,400	21,339,500
	PROGRAM REVENUE			125,276,100	59,413,900
	FEDERAL			(118,064,600)	(53,153,500)
	OTHER			(6,748,800)	(5,737,700)
	SERVICE			(462,700)	(522,700)
	SEGREGATED FUNDS			32,200,000	32,200,000
	OTHER			(32,200,000)	(32,200,000)
	TOTAL-ALL SOURCES			177,693,500	112,953,400
4	(6) DISABILITY AND ELDER SERVICES; STATE OPERATIONS NON-INSTITUTION				
5	(a) General program operations;				
6	physical disabilities	GPR	A	15,785,500	15,693,400
7	(dm) Nursing home monitoring and				
8	receivership supplement	GPR	S	-0-	-0-
9	(e) Principal repayment and interest	GPR	S	68,400	66,500
10	(ee) Admin. exp. for state suppl to				
11	federal supplemental security				
12	income program	GPR	A	611,800	611,800
13	(g) Nursing facility resident protection	PR	C	151,000	151,000
14	(ga) Community-based residential				
15	facility monitoring and receivership				
16	ops	PR	C	-0-	-0-
17	(gb) Alcohol and drug abuse initiatives	PR	C	846,700	846,500
18	(gc) Disabled children's long-term				
19	support waivers; state operations	PR	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(hs) Interpreter services for hearing				
2	impaired	PR	A	40,100	40,100
3	(hx) Services related to drivers, receipts	PR	A	-0-	-0-
4	(i) Gifts and grants	PR	C	294,100	207,100
5	(jb) Fees for administrative services	PR	C	202,300	202,300
6	(jm) Licensing and support services	PR	A	4,566,000	4,485,800
7	(k) Nursing home monitoring and				
8	receivership operations	PR-S	C	-0-	-0-
9	(kx) Interagency and intra-agency				
10	programs	PR-S	C	1,545,300	1,517,100
11	(m) Federal project operations	PR-F	C	5,423,500	5,378,500
12	(mc) Federal block grant operations	PR-F	C	3,581,500	3,581,500
13	(n) Federal program operations	PR-F	C	24,270,300	24,224,300
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			16,465,700	16,371,700
	PROGRAM REVENUE			40,920,800	40,634,200
	FEDERAL			(33,275,300)	(33,184,300)
	OTHER			(6,100,200)	(5,932,800)
	SERVICE			(1,545,300)	(1,517,100)
	TOTAL-ALL SOURCES			57,386,500	57,005,900
14	(7) DISABILITY AND ELDER SERVICES; AIDS AND LOCAL ASSISTANCE				
15	(b) Community aids and medical				
16	assistance payments	GPR	A	179,868,100	168,611,900
17	(bc) Grants for community programs	GPR	A	6,727,900	6,727,900
18	(bd) Long-term care programs	GPR	A	94,321,200	94,321,200
19	(be) Mental health treatment services	GPR	A	10,583,800	10,583,800

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(bg) Alzheimer's disease; training and				
2	information grants	GPR	A	132,700	132,700
3	(bL) Community support programs and				
4	psychosocial services	GPR	A	1,186,900	1,186,900
5	(bm) Purchased services for clients	GPR	A	94,800	94,800
6	(br) Respite care	GPR	A	225,000	225,000
7	(bt) Early intervention services for				
8	infants and toddlers with				
9	disabilities	GPR	C	6,878,700	6,878,700
10	(c) Independent living centers	GPR	A	983,500	983,500
11	(cg) Guardianship grant program	GPR	A	100,000	100,000
12	(co) Integrated service programs for				
13	children with severe disabilities	GPR	A	133,300	133,300
14	(d) Interpreter services and				
15	telecommunication aid for the				
16	hearing impaired	GPR	A	180,000	180,000
17	(da) Reimbursements to local units of				
18	government	GPR	S	400,000	400,000
19	(dh) Programs for senior citizens; elder				
20	abuse services; benefit specialist				
21	pgm	GPR	A	11,909,800	11,909,800
22	(ed) State supplement to federal				
23	supplemental security income				
24	program	GPR	S	133,491,200	135,657,900

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(g) Long-term care; county				
2	contributions	PR	C	10,415,200	29,480,100
3	(gg) Collection remittances to local units				
4	of government	PR	C	5,000	5,000
5	(h) Disabled children's long-term				
6	support waivers	PR	C	-0-	-0-
7	(hy) Services for drivers, local assistance	PR	C	1,000,000	1,000,000
8	(i) Gifts and grants; local assistance	PR	C	-0-	-0-
9	(im) Community options program;				
10	family care benefit; recovery of				
11	costs	PR	C	375,000	375,000
12	(kb) Severely emotionally disturbed				
13	children	PR-S	C	731,800	731,800
14	(kc) Independent living center grants	PR-S	A	600,000	600,000
15	(kg) Compulsive gambling awareness				
16	campaigns	PR-S	A	300,000	300,000
17	(kL) Indian aids	PR-S	A	271,600	271,600
18	(km) Indian drug abuse prevention and				
19	education	PR-S	A	500,000	500,000
20	(kn) Elderly nutrition; home-delivered				
21	and congregate meals	PR-S	A	500,000	500,000
22	(ky) Interagency and intra-agency aids	PR-S	C	30,045,700	30,045,700
23	(kz) Interagency and intra-agency local				
24	assistance	PR-S	C	100,000	100,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ma) Federal project aids	PR-F	C	3,270,300	770,300
2	(mb) Federal project local assistance	PR-F	C	-0-	-0-
3	(md) Federal block grant aids	PR-F	C	8,709,300	8,709,200
4	(me) Federal block grant local assistance	PR-F	C	7,451,400	7,451,400
5	(na) Federal program aids	PR-F	C	27,875,700	27,875,700
6	(nL) Federal program local assistance	PR-F	C	6,684,400	6,762,300
7	(o) Federal aid; community aids	PR-F	C	84,732,700	45,991,100
(7) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			447,216,900	438,127,400
	PROGRAM REVENUE			183,568,100	161,469,200
	FEDERAL			(138,723,800)	(97,560,000)
	OTHER			(11,795,200)	(30,860,100)
	SERVICE			(33,049,100)	(33,049,100)
	TOTAL-ALL SOURCES			630,785,000	599,596,600
8	(8) GENERAL ADMINISTRATION				
9	(a) General program operations	GPR	A	13,254,600	12,905,300
10	(i) Gifts and grants	PR	C	500	500
11	(k) Administrative and support				
12	services	PR-S	A	34,293,600	34,946,500
13	(kx) Interagency and intra-agency				
14	programs	PR-S	C	140,600	140,600
15	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
16	(kz) Interagency and intra-agency local				
17	assistance	PR-S	C	-0-	-0-
18	(ma) Federal project aids	PR-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(mb) Income augmentation services				
2	receipts	PR-F	C	8,346,600	6,402,200
3	(mc) Federal block grant operations	PR-F	C	1,221,600	1,221,600
4	(mm) Reimbursements from federal				
5	government	PR-F	C	-0-	-0-
6	(n) Federal program operations	PR-F	C	2,399,200	2,362,200
7	(pz) Indirect cost reimbursements	PR-F	C	3,513,000	3,469,700
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			13,254,600	12,905,300
	PROGRAM REVENUE			49,915,100	48,543,300
	FEDERAL			(15,480,400)	(13,455,700)
	OTHER			(500)	(500)
	SERVICE			(34,434,200)	(35,087,100)
	TOTAL-ALL SOURCES			63,169,700	61,448,600
	20.435 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			2,334,521,500	2,305,225,700
	PROGRAM REVENUE			4,203,316,900	4,215,416,800
	FEDERAL			(3,707,085,500)	(3,739,531,200)
	OTHER			(347,438,100)	(389,356,600)
	SERVICE			(148,793,300)	(86,529,000)
	SEGREGATED FUNDS			713,725,100	737,783,100
	OTHER			(713,725,100)	(737,783,100)
	TOTAL-ALL SOURCES			7,251,563,500	7,258,425,600
8	20.437 Children and families, department of				
9	(1) CHILDREN AND FAMILY SERVICES				
10	(a) General program operations	GPR	A	-0-	5,758,100
11	(b) Children and family aids payments	GPR	A	-0-	28,808,200
12	(bc) Grants for children's community				
13	programs	GPR	A	-0-	547,200
14	(bm) Services for children and families	GPR	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(cd) Domestic abuse grants	GPR	A	-0-	6,383,700
2	(cf) Foster, trtmt foster &				
3	family-oeprated group home parent				
4	ins & liability	GPR	A	-0-	60,000
5	(cw) Milwaukee child welfare services;				
6	general program operations	GPR	A	-0-	12,418,700
7	(cx) Milwaukee child welfare services;				
8	aids	GPR	A	-0-	42,499,300
9	(da) Child welfare program				
10	enhancement plan; aids	GPR	A	-0-	1,117,200
11	(dd) State foster care and adoption				
12	services	GPR	A	-0-	50,807,700
13	(dg) State adoption information				
14	exchange and state adoption center	GPR	A	-0-	171,300
15	(eg) Brighter futures initiative and				
16	tribal adolescent services	GPR	A	-0-	1,959,500
17	(f) Second-chance homes	GPR	A	-0-	-0-
18	(gg) Collection remittances to local units				
19	of government	PR	C	-0-	-0-
20	(gx) Milwaukee child welfare services;				
21	collections	PR	C	-0-	2,589,700
22	(hh) Domestic abuse surcharge grants	PR	C	-0-	598,100
23	(i) Gifts and grants	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(j) Statewide automated child welfare				
2	information system receipts	PR	C	-0-	783,400
3	(jb) Fees for administrative services	PR	C	-0-	78,800
4	(jj) Searches for birth parents and				
5	adoption record information;				
6	foreign adopt	PR	A	-0-	90,300
7	(kc) Interagency and intra-agency aids;				
8	kinship care and long-term kinship				
9	care	PR-S	A	-0-	21,953,500
10	(kd) Kinship care and long-term kinship				
11	care assessments	PR-S	A	-0-	1,464,000
12	(kw) Interagency and intra-agency aids;				
13	Milwaukee child welfare services	PR-S	A	-0-	21,991,100
14	(kx) Interagency and intra-agency				
15	programs	PR-S	C	-0-	18,286,100
16	(ky) Interagency and intra-agency aids	PR-S	C	-0-	8,578,200
17	(kz) Interagency and intra-agency local				
18	assistance	PR-S	C	-0-	500,000
19	(m) Federal project operations	PR-F	C	-0-	782,000
20	(ma) Federal project aids	PR-F	C	-0-	3,780,700
21	(mb) Federal project local assistance	PR-F	C	-0-	-0-
22	(mc) Federal block grant operations	PR-F	C	-0-	360,600
23	(md) Federal block grant aids	PR-F	C	-0-	1,583,000
24	(me) Federal block grant local assistance	PR-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(mw) Federal aid; Milwaukee child				
2	welfare services general program				
3	operations	PR-F	C	-0-	5,453,000
4	(mx) Federal aid; Milwaukee child				
5	welfare services aids	PR-F	C	-0-	13,743,800
6	(n) Federal program operations	PR-F	C	-0-	6,632,000
7	(na) Federal program aids	PR-F	C	-0-	2,985,900
8	(nL) Federal program local assistance	PR-F	C	-0-	10,796,800
9	(o) Federal aid; children and family				
10	aids	PR-F	C	-0-	38,869,600
11	(pd) Federal aid; state foster care and				
12	adoption services	PR-F	C	-0-	47,725,900
13	(pm) Federal aid; adoption incentive				
14	payments	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	150,530,900
	PROGRAM REVENUE			-0-	209,626,500
	FEDERAL			(-0-)	(132,713,300)
	OTHER			(-0-)	(4,140,300)
	SERVICE			(-0-)	(72,772,900)
	TOTAL-ALL SOURCES			-0-	360,157,400
15	(2) ECONOMIC SUPPORT				
16	(a) General program operations	GPR	A	-0-	5,122,300
17	(ab) Child abuse and neglect prevention				
18	and universal home visitation				
19	grants	GPR	A	-0-	1,478,200

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ac) Child abuse and neglect prevention				
2	technical assistance	GPR	A	-0-	48,600
3	(b) Child support local assistance	GPR	C	-0-	5,500,000
4	(cm) Wisconsin works child care	GPR	A	-0-	28,849,400
5	(dn) Food distribution costs	GPR	A	-0-	320,000
6	(dz) Temporary assistance for needy				
7	families; maintenance of effort	GPR	A	-0-	120,971,700
8	(em) Supplemental food program for				
9	women, infants and children				
10	benefits	GPR	C	-0-	179,300
11	(gr) Supplemental food program for				
12	women, infants and children				
13	administration	PR	C	-0-	129,600
14	(i) Gifts and grants	PR	C	-0-	2,500
15	(ja) Child support state operations –				
16	fees and reimbursements	PR	C	-0-	14,469,900
17	(jb) Fees for administrative services	PR	C	-0-	732,800
18	(jL) Job access loan repayments	PR	C	-0-	616,400
19	(jm) Licensing activities	PR	A	-0-	958,400
20	(k) Child support transfers	PR-S	C	-0-	17,373,300
21	(kb) Boys and girls clubs	PR-S	C	-0-	250,000
22	(kp) Delinquent support, maintenance				
23	and fee payments	PR-S	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(kx) Interagency and intra-agency				
2	programs	PR-S	C	-0-	25,007,300
3	(L) Public assistance overpayment				
4	recovery, fraud and error reduction	PR	C	-0-	210,400
5	(m) Federal project operations	PR-F	C	-0-	-0-
6	(ma) Federal project activities	PR-F	C	-0-	1,277,700
7	(mc) Federal block grant operations	PR-F	A	-0-	19,681,600
8	(md) Federal block grant aids	PR-F	A	-0-	364,759,400
9	(me) Child care and temporary				
10	assistance overpayment recovery	PR-F	C	-0-	2,194,900
11	(mm) Reimbursement from federal				
12	government	PR-F	C	-0-	-0-
13	(n) Child support operations; federal				
14	funds	PR-F	C	-0-	13,285,300
15	(na) Federal program aids	PR-F	C	-0-	64,152,300
16	(nL) Child support local assistance	PR-F	C	-0-	49,905,200
17	(nn) Federal program operations	PR-F	C	-0-	5,502,900
18	(pv) Electronic benefits transfer	PR-F	C	-0-	-0-
19	(pz) Income augmentation services				
20	receipts	PR-F	C	-0-	-0-
21	(q) Centralized support receipt and				
22	disbursement; interest	SEG	S	-0-	313,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(qm) Child support state ops and reimb				
2	for claims and exp; unclaimed				
3	pymnts	SEG	S	-0-	100,000
4	(r) Support receipt and disbursement				
5	program; payments	SEG	C	-0-	-0-
6	(s) Economic support – public benefits	SEG	A	-0-	9,232,000
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	162,469,500
	PROGRAM REVENUE			-0-	580,509,900
	FEDERAL			(-0-)	(520,759,300)
	OTHER			(-0-)	(17,120,000)
	SERVICE			(-0-)	(42,630,600)
	SEGREGATED FUNDS			-0-	9,645,000
	OTHER			(-0-)	(9,645,000)
	TOTAL-ALL SOURCES			-0-	752,624,400
7	(3) GENERAL ADMINISTRATION				
8	(a) General program operations	GPR	A	-0-	349,300
9	(i) Gifts and grants	PR	C	-0-	-0-
10	(jb) Fees for administrative services	PR	C	-0-	-0-
11	(k) Administrative and support				
12	services	PR-S	A	-0-	132,200
13	(kx) Interagency and intra-agency				
14	programs	PR-S	C	-0-	-0-
15	(ky) Interagency and intra-agency aids	PR-S	C	-0-	-0-
16	(kz) Interagency and intra-agency local				
17	assistance	PR-S	C	-0-	-0-
18	(m) Federal project operations	PR-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ma) Federal project aids	PR-F	C	-0-	-0-
2	(mb) Federal project local assistance	PR-F	C	-0-	-0-
3	(mc) Federal block grant operations	PR-F	C	-0-	-0-
4	(md) Federal block grant aids	PR-F	C	-0-	-0-
5	(me) Federal block grant local assistance	PR-F	C	-0-	-0-
6	(mm) Reimbursements from federal				
7	government	PR-F	C	-0-	-0-
8	(mp) Income augmentation services				
9	receipts	PR-F	C	-0-	-0-
10	(n) Federal program operations	PR-F	C	-0-	37,000
11	(na) Federal program aids	PR-F	C	-0-	-0-
12	(nL) Federal program local assistance	PR-F	C	-0-	-0-
13	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-

(3) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	349,300
PROGRAM REVENUE	-0-	169,200
FEDERAL	(-0-)	(37,000)
OTHER	(-0-)	(-0-)
SERVICE	(-0-)	(132,200)
TOTAL-ALL SOURCES	-0-	518,500

20.437 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	-0-	313,349,700
PROGRAM REVENUE	-0-	790,305,600
FEDERAL	(-0-)	(653,509,600)
OTHER	(-0-)	(21,260,300)
SERVICE	(-0-)	(115,535,700)
SEGREGATED FUNDS	-0-	9,645,000
OTHER	(-0-)	(9,645,000)
TOTAL-ALL SOURCES	-0-	1,113,300,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	20.440 Health and educational facilities authority				
2	(1) CONSTRUCTION OF HEALTH AND EDUCATIONAL FACILITIES				
3	(a) General program operations	GPR	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
4	(2) RURAL HOSPITAL LOAN GUARANTEE				
5	(a) Rural assistance loan fund	GPR	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
	20.440 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
6	20.445 Workforce development, department of				
7	(1) WORKFORCE DEVELOPMENT				
8	(a) General program operations	GPR	A	6,644,200	6,644,200
9	(aa) Special death benefit	GPR	S	479,100	479,100
10	(bc) Assistance for dislocated workers	GPR	A	-0-	-0-
11	(cm) Wisconsin service corps member				
12	education vouchers	GPR	C	-0-	-0-
13	(cr) State supplement to employment				
14	opportunity demonstration projects	GPR	A	-0-	237,500
15	(e) Local youth apprenticeship grants	GPR	A	1,512,600	2,316,800
16	(em) Youth apprenticeship training				
17	grants	GPR	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(f) Death and disability benefit				
2	payments; public insurrections	GPR	S	-0-	-0-
3	(g) Gifts and grants	PR	C	-0-	-0-
4	(ga) Auxiliary services	PR	C	449,800	449,800
5	(gb) Local agreements	PR	C	2,111,000	2,111,000
6	(gc) Unemployment administration	PR	C	-0-	-0-
7	(gd) Unemployment interest and				
8	penalty payments	PR	C	2,678,400	2,678,400
9	(gh) Unemployment tax and accounting				
10	system; assessments	PR	C	2,243,100	2,243,100
11	(jm) Dislocated worker program grants	PR	C	-0-	-0-
12	(ka) Interagency and intra-agency				
13	agreements	PR-S	C	3,445,800	7,515,300
14	(kb) Youth summer jobs programs	PR-S	C	500,000	500,000
15	(kc) Administrative services	PR-S	A	48,422,500	48,290,300
16	(m) Workforce investment and				
17	assistance; federal moneys	PR-F	C	84,554,700	84,478,200
18	(n) Employment assistance and				
19	unemployment ins. administration;				
20	federal moneys	PR-F	C	56,094,800	56,094,800
21	(na) Employment security buildings and				
22	equipment	PR-F	C	-0-	-0-
23	(nb) Unemployment administration;				
24	information technology systems	PR-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(nc) Unemployment insurance				
2	administration; special federal				
3	moneys	PR-F	C	3,263,800	3,263,800
4	(nd) Unemployment administration;				
5	apprenticeship	PR-F	C	1,707,600	1,743,700
6	(ne) Unemployment administration;				
7	bank service costs	PR-F	C	1,020,000	1,020,000
8	(o) Equal rights; federal moneys	PR-F	C	996,400	996,400
9	(om) Refugee assistance; federal funds	PR-F	C	-0-	6,035,300
10	(p) Worker's compensation; federal				
11	moneys	PR-F	C	-0-	-0-
12	(pz) Indirect cost reimbursements	PR-F	C	280,100	234,000
13	(ra) Worker's compensation operations				
14	fund; administration	SEG	A	11,619,000	11,627,700
15	(rb) Worker's compensation operations				
16	fund; contracts	SEG	C	100,000	100,000
17	(rp) Worker's compensation operations				
18	fund; uninsured employers				
19	program; admin	SEG	A	979,300	979,300
20	(s) Self-insured employers liability				
21	fund	SEG	C	-0-	-0-
22	(sm) Uninsured employers fund;				
23	payments	SEG	S	3,600,000	3,600,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(t) Work injury supplemental benefit				
2	fund	SEG	C	4,500,000	4,500,000
3	(uz) Employment transit aids, state				
4	funds	SEG	A	550,100	550,100
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			8,635,900	9,677,600
	PROGRAM REVENUE			207,768,000	217,654,100
	FEDERAL			(147,917,400)	(153,866,200)
	OTHER			(7,482,300)	(7,482,300)
	SERVICE			(52,368,300)	(56,305,600)
	SEGREGATED FUNDS			21,348,400	21,357,100
	OTHER			(21,348,400)	(21,357,100)
	TOTAL-ALL SOURCES			237,752,300	248,688,800
5	(2) REVIEW COMMISSION				
6	(a) General program operations, review				
7	commission	GPR	A	202,900	202,900
8	(ha) Worker's compensation operations	PR	A	730,500	730,500
9	(m) Federal moneys	PR-F	C	213,700	213,700
10	(n) Unemployment administration;				
11	federal moneys	PR-F	C	2,105,300	2,105,300
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			202,900	202,900
	PROGRAM REVENUE			3,049,500	3,049,500
	FEDERAL			(2,319,000)	(2,319,000)
	OTHER			(730,500)	(730,500)
	TOTAL-ALL SOURCES			3,252,400	3,252,400
12	(3) ECONOMIC SUPPORT				
13	(a) General program operations	GPR	A	5,222,300	-0-
14	(b) Child support local assistance	GPR	C	2,750,000	-0-
15	(cm) Wisconsin works child care	GPR	A	28,849,400	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(cr) State supplement to employment				
2	opportunity demonstration projects	GPR	A	237,500	-0-
3	(dz) Temporary assistance for needy				
4	families; maintenance of effort	GPR	A	120,971,700	-0-
5	(i) Gifts and grants	PR	C	20,500	-0-
6	(ja) Child support state operations—fees				
7	and reimbursements	PR	C	11,698,300	-0-
8	(jb) Fees for administrative services	PR	C	732,800	-0-
9	(jL) Job access loan repayments	PR	C	616,400	-0-
10	(k) Child support transfers	PR-S	C	18,209,200	-0-
11	(kb) Boys and girls clubs	PR-S	C	250,000	-0-
12	(kp) Delinquent support, maintenance,				
13	and fee payments	PR-S	C	-0-	-0-
14	(kx) Interagency and intra-agency				
15	programs	PR-S	C	28,955,700	-0-
16	(L) Public assistance overpayment				
17	recovery and fraud and error				
18	reduction	PR	C	187,500	-0-
19	(ma) Federal project activities	PR-F	C	518,900	-0-
20	(mc) Federal block grant operations	PR-F	A	20,053,900	-0-
21	(md) Federal block grant aids	PR-F	A	364,387,100	-0-
22	(me) Child care and temporary				
23	assistance overpayment recovery	PR-F	C	2,194,900	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(mm) Reimbursements from federal				
2	government	PR-F	C	-0-	-0-
3	(n) Child support state operations;				
4	federal funds	PR-F	C	14,078,900	-0-
5	(na) Refugee assistance; federal funds	PR-F	C	6,088,100	-0-
6	(nL) Child support local assistance;				
7	federal funds	PR-F	C	50,904,500	-0-
8	(pv) Electronic benefits transfer	PR-F	C	-0-	-0-
9	(pz) Income augmentation services				
10	receipts	PR-F	C	-0-	-0-
11	(q) Centralized support receipt and				
12	disbursement; interest	SEG	S	313,000	-0-
13	(qm) Child support state ops and reimb				
14	for claims and expenses; unclaimed				
15	pymts	SEG	S	1,000,000	-0-
16	(r) Support receipt and disbursement				
17	program; payments	SEG	C	-0-	-0-
18	(s) Economic support – public benefits	SEG	A	9,232,000	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			158,030,900	-0-
	PROGRAM REVENUE			518,896,700	-0-
	FEDERAL			(458,226,300)	(-0-)
	OTHER			(13,255,500)	(-0-)
	SERVICE			(47,414,900)	(-0-)
	SEGREGATED FUNDS			10,545,000	-0-
	OTHER			(10,545,000)	(-0-)
	TOTAL-ALL SOURCES			687,472,600	-0-
19	(5) VOCATIONAL REHABILITATION SERVICES				

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(a) General program operations;				
2	purchased services for clients	GPR	C	14,582,900	15,060,100
3	(gg) Contractual services	PR	C	-0-	-0-
4	(gp) Contractual services aids	PR	C	-0-	-0-
5	(h) Enterprises and services for blind				
6	and visually impaired	PR	C	213,000	213,000
7	(he) Supervised business enterprise	PR	C	120,000	120,000
8	(i) Gifts and grants	PR	C	-0-	-0-
9	(kg) Vocational rehabilitation services				
10	for tribes	PR-S	A	350,000	350,000
11	(kx) Interagency and intra-agency				
12	programs	PR-S	C	-0-	-0-
13	(ky) Interagency and intra-agency aids	PR-S	C	287,000	287,000
14	(kz) Interagency and intra-agency local				
15	assistance	PR-S	C	-0-	-0-
16	(m) Federal project operations	PR-F	C	104,000	104,000
17	(ma) Federal project aids	PR-F	C	-0-	-0-
18	(n) Federal program aids and				
19	operations	PR-F	C	58,888,900	60,652,000
20	(nL) Federal program local assistance	PR-F	C	-0-	-0-
(5) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			14,582,900	15,060,100
	PROGRAM REVENUE			59,962,900	61,726,000
	FEDERAL			(58,992,900)	(60,756,000)
	OTHER			(333,000)	(333,000)

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
SERVICE			(637,000)	(637,000)
TOTAL-ALL SOURCES			74,545,800	76,786,100
2 0 . 4 4 5 D E P A R T M E N T T O T A L S				
GENERAL PURPOSE REVENUES			181,452,600	24,940,600
PROGRAM REVENUE			789,677,100	282,429,600
FEDERAL			(667,455,600)	(216,941,200)
OTHER			(21,801,300)	(8,545,800)
SERVICE			(100,420,200)	(56,942,600)
SEGREGATED FUNDS			31,893,400	21,357,100
OTHER			(31,893,400)	(21,357,100)
TOTAL-ALL SOURCES			1,003,023,100	328,727,300
1 20.455 Justice, department of				
2 (1) LEGAL SERVICES				
3 (a) General program operations	GPR	A	13,466,000	13,475,900
4 (b) Special counsel	GPR	S	805,700	805,700
5 (d) Legal expenses	GPR	B	825,100	825,100
6 (gh) Investigation and prosecution	PR	C	-0-	-0-
7 (gs) Delinquent obligation collection	PR	A	-0-	-0-
8 (hm) Restitution	PR	C	-0-	-0-
9 (k) Environment litigation project	PR-S	C	555,400	555,400
10 (km) Interagency and intra-agency				
11 assistance	PR-S	A	1,053,600	1,053,600
12 (m) Federal aid	PR-F	C	915,500	915,500
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			15,096,800	15,106,700
PROGRAM REVENUE			2,524,500	2,524,500
FEDERAL			(915,500)	(915,500)
OTHER			(-0-)	(-0-)
SERVICE			(1,609,000)	(1,609,000)
TOTAL-ALL SOURCES			17,621,300	17,631,200

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(2) LAW ENFORCEMENT SERVICES				
2	(a) General program operations	GPR	A	14,053,600	15,370,300
3	(am) Officer training reimbursement	GPR	S	134,000	134,000
4	(b) Investigations and operations	GPR	A	-0-	-0-
5	(c) Crime laboratory equipment	GPR	B	-0-	-0-
6	(cm) Computers for transaction				
7	information for management of				
8	enforcement system	GPR	A	-0-	-0-
9	(dg) Weed and seed and law				
10	enforcement technology	GPR	A	-0-	-0-
11	(dq) Law enforcement community				
12	policing grants	GPR	B	-0-	-0-
13	(g) Gaming law enforcement; racing				
14	revenues	PR	A	148,600	148,600
15	(gc) Gaming law enforcement; Indian				
16	gaming	PR	A	131,600	131,600
17	(gj) General operations; child				
18	pornography surcharge	PR	C	-0-	-0-
19	(gm) Criminal history searches;				
20	fingerprint identification	PR	C	5,156,700	4,593,200
21	(h) Terminal charges	PR	A	2,697,300	2,699,100
22	(i) Criminal justice program support	PR	A	-0-	-0-
23	(j) Law enforcement training fund,				
24	local assistance	PR	A	5,159,400	5,159,400

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ja) Law enforcement training fund,				
2	state operations	PR	A	3,702,600	3,702,600
3	(jb) Crime laboratory equipment and				
4	supplies	PR	A	345,900	364,100
5	(k) Interagency and intra-agency				
6	assistance	PR-S	C	238,500	238,500
7	(kc) Transaction information				
8	management of enforcement system	PR-S	A	932,600	982,000
9	(kd) Drug law enforcement, crime				
10	laboratories, and genetic evidence				
11	activities	PR-S	A	8,244,000	8,244,000
12	(ke) Drug enforcement intelligence				
13	operations	PR-S	A	1,593,600	1,680,300
14	(kg) Interagency and intra-agency				
15	assistance; fingerprint				
16	identification	PR-S	A	-0-	-0-
17	(km) Lottery background investigations	PR-S	A	-0-	-0-
18	(kp) Drug crimes enforcement; local				
19	grants	PR-S	A	806,200	848,600
20	(kq) County law enforcement services	PR-S	A	550,000	550,000
21	(kt) County-tribal programs, local				
22	assistance	PR-S	A	708,400	708,400
23	(ku) County-tribal programs, state				
24	operations	PR-S	A	91,500	91,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(kw) Tribal law enforcement assistance	PR-S	A	700,000	700,000
2	(ky) Handgun purchaser record check	PR-S	A	456,400	456,400
3	(Lm) Crime laboratories;				
4	deoxyribonucleic acid analysis	PR	C	726,300	726,300
5	(m) Federal aid, state operations	PR-F	C	2,098,700	2,098,700
6	(n) Federal aid, local assistance	PR-F	C	-0-	-0-
7	(r) Gaming law enforcement; lottery				
8	revenues	SEG	A	348,000	348,000
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			14,187,600	15,504,300
	PROGRAM REVENUE			34,488,300	34,123,300
	FEDERAL			(2,098,700)	(2,098,700)
	OTHER			(18,068,400)	(17,524,900)
	SERVICE			(14,321,200)	(14,499,700)
	SEGREGATED FUNDS			348,000	348,000
	OTHER			(348,000)	(348,000)
	TOTAL-ALL SOURCES			49,023,900	49,975,600
9	(3) ADMINISTRATIVE SERVICES				
10	(a) General program operations	GPR	A	4,905,900	4,905,900
11	(g) Gifts, grants and proceeds	PR	C	-0-	-0-
12	(k) Interagency and intra-agency				
13	assistance	PR-S	A	-0-	-0-
14	(m) Federal aid, state operations	PR-F	C	-0-	-0-
15	(pz) Indirect cost reimbursements	PR-F	C	216,100	216,100
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,905,900	4,905,900
	PROGRAM REVENUE			216,100	216,100
	FEDERAL			(216,100)	(216,100)
	OTHER			(-0-)	(-0-)

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
	SERVICE TOTAL-ALL SOURCES			(-0-) 5,122,000	(-0-) 5,122,000
1	(5) VICTIMS AND WITNESSES				
2	(a) General program operations	GPR	A	1,117,700	1,117,700
3	(b) Awards for victims of crimes	GPR	A	1,258,000	1,258,000
4	(c) Reimbursement for victim and				
5	witness services	GPR	A	1,422,200	1,422,200
6	(d) Reimbursement for forensic				
7	examinations	GPR	S	37,500	37,500
8	(g) Crime victim and witness				
9	assistance surcharge, general				
10	services	PR	A	4,026,600	4,026,600
11	(gc) Crime victim and witness				
12	surcharge, sexual assault victim				
13	services	PR	C	2,000,000	2,000,000
14	(h) Crime victim compensation services	PR	A	51,200	51,200
15	(hh) Crime victim restitution	PR	C	300,000	300,000
16	(i) Victim compensation, inmate				
17	payments	PR	C	10,900	10,900
18	(k) Interagency and intra-agency				
19	assistance; reimbursement to				
20	counties	PR-S	A	505,300	505,300
21	(kj) Victim payments, victim surcharge	PR-S	A	488,800	488,800

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(kk) Reimbursement to counties for				
2	providing victim and witness				
3	services	PR-S	C	-0-	-0-
4	(kp) Reimbursement to counties for				
5	victim-witness services	PR-S	A	841,000	885,300
6	(m) Federal aid; victim compensation	PR-F	C	643,900	823,900
7	(ma) Federal aid, state operations				
8	relating to crime victim services	PR-F	C	95,600	95,600
9	(mh) Federal aid; victim assistance	PR-F	C	4,102,800	4,102,800
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			3,835,400	3,835,400
	PROGRAM REVENUE			13,066,100	13,290,400
	FEDERAL			(4,842,300)	(5,022,300)
	OTHER			(6,388,700)	(6,388,700)
	SERVICE			(1,835,100)	(1,879,400)
	TOTAL-ALL SOURCES			16,901,500	17,125,800
	20.455 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			38,025,700	39,352,300
	PROGRAM REVENUE			50,295,000	50,154,300
	FEDERAL			(8,072,600)	(8,252,600)
	OTHER			(24,457,100)	(23,913,600)
	SERVICE			(17,765,300)	(17,988,100)
	SEGREGATED FUNDS			348,000	348,000
	OTHER			(348,000)	(348,000)
	TOTAL-ALL SOURCES			88,668,700	89,854,600
10	20.465 Military affairs, department of				
11	(1) NATIONAL GUARD OPERATIONS				
12	(a) General program operations	GPR	A	5,438,600	5,438,600
13	(b) Repair and maintenance	GPR	A	815,100	815,100
14	(c) Public emergencies	GPR	S	48,500	48,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(d) Principal repayment and interest	GPR	S	4,173,400	4,265,700
2	(e) State service flags	GPR	A	400	400
3	(f) Energy costs	GPR	A	2,834,300	2,967,300
4	(g) Military property	PR	A	582,000	582,000
5	(h) Intergovernmental services	PR	A	281,600	281,600
6	(i) Distance learning centers	PR	C	-0-	-0-
7	(k) Armory store operations	PR-S	A	244,200	244,200
8	(km) Agency services	PR-S	A	68,300	68,300
9	(Li) Gifts and grants	PR	C	-0-	-0-
10	(m) Federal aid	PR-F	C	27,309,700	27,309,700
11	(pz) Indirect cost reimbursements	PR-F	C	517,400	517,400
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			13,310,300	13,535,600
	PROGRAM REVENUE			29,003,200	29,003,200
	FEDERAL			(27,827,100)	(27,827,100)
	OTHER			(863,600)	(863,600)
	SERVICE			(312,500)	(312,500)
	TOTAL-ALL SOURCES			42,313,500	42,538,800
12	(2) GUARD MEMBERS' BENEFITS				
13	(a) Tuition grants	GPR	S	4,177,300	4,177,300
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,177,300	4,177,300
	TOTAL-ALL SOURCES			4,177,300	4,177,300
14	(3) EMERGENCY MANAGEMENT SERVICES				
15	(a) General program operations	GPR	A	821,900	821,900
16	(b) Major disaster assistance	GPR	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(e) Disaster recovery aid; public health				
2	emergency quarantine costs	GPR	S	1,347,000	1,347,000
3	(g) Program services	PR	A	1,201,400	1,201,400
4	(h) Interstate emergency assistance	PR	A	-0-	-0-
5	(i) Emergency planning and reporting;				
6	administration	PR	A	918,400	918,400
7	(j) Division of emergency				
8	management; gifts and grants	PR	C	-0-	-0-
9	(jm) Division of emergency				
10	management; emergency planning				
11	grants	PR	C	834,700	834,700
12	(jt) Regional emergency response				
13	reimbursement	PR	C	-0-	-0-
14	(m) Federal aid, state operations	PR-F	C	3,620,600	3,620,600
15	(n) Federal aid, local assistance	PR-F	C	12,800,000	12,800,000
16	(o) Federal aid, individuals and				
17	organizations	PR-F	C	1,926,400	1,926,400
18	(r) Division of emergency				
19	management; petroleum inspection				
20	fund	SEG	A	466,800	466,800
21	(s) Major disaster assistance;				
22	petroleum inspection fund	SEG	C	-0-	-0-
23	(t) Emergency response training –				
24	environmental fund	SEG	B	7,700	7,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(u) Regional emergency response teams	SEG	A	1,400,000	1,400,000
2	(v) Emergency response equipment	SEG	A	468,000	468,000
3	(w) Emergency response training	SEG	B	64,900	64,900
4	(x) Emergency response supplement	SEG	C	-0-	-0-
5	(y) Civil air patrol aids	SEG	A	19,000	19,000
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			2,168,900	2,168,900
	PROGRAM REVENUE			21,301,500	21,301,500
	FEDERAL			(18,347,000)	(18,347,000)
	OTHER			(2,954,500)	(2,954,500)
	SEGREGATED FUNDS			2,426,400	2,426,400
	OTHER			(2,426,400)	(2,426,400)
	TOTAL-ALL SOURCES			25,896,800	25,896,800
6	(4) NATIONAL GUARD YOUTH PROGRAMS				
7	(b) Badger challenge program	GPR	A	-0-	-0-
8	(g) Program fees	PR	C	-0-	-0-
9	(h) Gifts and grants	PR	C	-0-	-0-
10	(k) Interagency assistance; Badger				
11	Challenge program	PR-S	C	-0-	-0-
12	(ka) Youth challenge program; public				
13	instruction funds	PR-S	C	1,554,600	1,554,600
14	(m) Federal aid	PR-F	C	2,350,500	2,350,500
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			3,905,100	3,905,100
	FEDERAL			(2,350,500)	(2,350,500)
	OTHER			(-0-)	(-0-)
	SERVICE			(1,554,600)	(1,554,600)
	TOTAL-ALL SOURCES			3,905,100	3,905,100

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09	
20.465 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			19,656,500	19,881,800	
PROGRAM REVENUE			54,209,800	54,209,800	
FEDERAL			(48,524,600)	(48,524,600)	
OTHER			(3,818,100)	(3,818,100)	
SERVICE			(1,867,100)	(1,867,100)	
SEGREGATED FUNDS			2,426,400	2,426,400	
OTHER			(2,426,400)	(2,426,400)	
TOTAL-ALL SOURCES			76,292,700	76,518,000	
1	20.475 District attorneys				
2	(1) DISTRICT ATTORNEYS				
3	(d) Salaries and fringe benefits	GPR	A	42,610,200	42,610,200
4	(h) Gifts and grants	PR	C	2,848,100	2,789,000
5	(i) Other employees	PR	A	302,000	311,100
6	(k) Interagency and intra-agency				
7	assistance	PR-S	C	-0-	-0-
8	(km) Deoxyribonucleic acid evidence				
9	activities	PR-S	A	135,500	135,500
10	(m) Federal aid	PR-F	C	-0-	-0-
20.475 DEPARTMENT TOTALS					
GENERAL PURPOSE REVENUES			42,610,200	42,610,200	
PROGRAM REVENUE			3,285,600	3,235,600	
FEDERAL			(-0-)	(-0-)	
OTHER			(3,150,100)	(3,100,100)	
SERVICE			(135,500)	(135,500)	
TOTAL-ALL SOURCES			45,895,800	45,845,800	
11	20.485 Veterans affairs, department of				
12	(1) VETERANS HOMES				
13	(a) Aids to indigent veterans	GPR	A	104,300	208,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(b) General fund supplement to				
2	institutional operations	GPR	B	-0-	-0-
3	(d) Cemetery maintenance and				
4	beautification	GPR	A	24,900	24,900
5	(e) Lease rental payments	GPR	S	-0-	-0-
6	(f) Principal repayment and interest	GPR	S	1,547,500	1,536,400
7	(g) Home exchange	PR	A	475,500	475,500
8	(gd) Veterans home cemetery operations	PR	C	12,000	12,000
9	(gk) Institutional operations	PR	A	77,424,000	78,943,600
10	(go) Self-amortizing facilities; principal				
11	repayment and interest	PR	S	1,578,800	2,522,600
12	(h) Gifts and bequests	PR	C	214,700	214,700
13	(hm) Gifts and grants	PR	C	-0-	-0-
14	(i) State-owned housing maintenance	PR	A	65,700	65,700
15	(j) Geriatric program receipts	PR	C	192,600	192,600
16	(m) Federal aid; care at veterans homes	PR-F	C	-0-	-0-
17	(mj) Federal aid; geriatric unit	PR-F	C	-0-	-0-
18	(mn) Federal projects	PR-F	C	25,000	25,000
19	(q) Assistance to indigent residents	SEG	A	208,700	208,700
20	(t) Veterans homes member accounts	SEG	C	-0-	-0-
21	(u) Rentals; improvements; equipment;				
22	land acquisition	SEG	A	-0-	-0-
(1) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				1,676,700	1,770,000

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
	PROGRAM REVENUE			79,988,300	82,451,700
	FEDERAL			(25,000)	(25,000)
	OTHER			(79,963,300)	(82,426,700)
	SEGREGATED FUNDS			208,700	208,700
	OTHER			(208,700)	(208,700)
	TOTAL-ALL SOURCES			81,873,700	84,430,400
1	(2) LOANS AND AIDS TO VETERANS				
2	(a) General program operations; loans				
3	and aids	GPR	A	80,100	100,500
4	(ac) Veterans assistance	GPR	A	100,000	100,000
5	(am) Payments for outreach for homeless				
6	veterans	GPR	A	25,000	25,000
7	(b) Housing vouchers for homeless				
8	veterans	GPR	A	-0-	-0-
9	(c) Operation of Wisconsin veterans				
10	museum	GPR	A	523,800	535,800
11	(d) Veterans memorials at the				
12	Highground	GPR	C	-0-	-0-
13	(db) General fund supplement to				
14	veterans trust fund	GPR	A	-0-	-0-
15	(dm) Military funeral honors	GPR	B	204,000	204,000
16	(eg) Victorious charge monument grant	GPR	A	-0-	-0-
17	(f) Mission welcome home	GPR	A	25,000	25,000
18	(g) Consumer reporting agency fees	PR	C	-0-	-0-
19	(kg) American Indian services				
20	coordinator	PR-S	A	75,800	75,800

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(km) American Indian grants	PR-S	A	56,000	56,000
2	(kt) Operation of Wisconsin veterans				
3	museum; Indian gaming receipts	PR-S	A	-0-	-0-
4	(m) Federal payments; veterans				
5	assistance	PR-F	C	517,600	517,600
6	(mn) Federal projects; museum				
7	acquisitions and operations	PR-F	C	-0-	-0-
8	(rm) Veterans assistance program	SEG	B	723,900	723,900
9	(rp) Veterans assistance program				
10	receipts	SEG	A	80,000	80,000
11	(s) Transportation payment	SEG	A	200,000	200,000
12	(tf) Veterans tuition reimbursement				
13	program	SEG	B	3,163,000	2,615,800
14	(tj) Retraining assistance program	SEG	A	210,000	210,000
15	(tm) Facilities	SEG	C	375,000	-0-
16	(u) Administration of loans and aids to				
17	veterans	SEG	A	5,647,400	5,611,400
18	(v) Wisconsin veterans museum sales				
19	receipts	SEG	C	133,400	133,400
20	(vm) Assistance to needy veterans	SEG	A	822,000	822,000
21	(vo) Veterans of World War I	SEG	A	2,500	2,500
22	(vp) Assistance to needy veterans	SEG	C	-0-	-0-
23	(vw) Payments to veterans organizations				
24	for claims service	SEG	A	177,500	177,500

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(vx) County grants	SEG	A	309,100	301,200
2	(w) Home for needy veterans	SEG	C	10,000	10,000
3	(wd) Operation of Wisconsin Veterans				
4	Museum	SEG	A	1,550,700	1,550,700
5	(x) Federal per diem payments	SEG-F	A	1,081,100	1,081,100
6	(yg) Acquisition of 1981 revenue bond				
7	mortgages	SEG	S	-0-	-0-
8	(yn) Veterans trust fund loans and				
9	expenses	SEG	B	10,150,000	10,150,000
10	(yo) Debt payment	SEG	S	-0-	-0-
11	(z) Gifts	SEG	C	-0-	-0-
12	(zm) Museum gifts and bequests	SEG	C	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			957,900	990,300
	PROGRAM REVENUE			649,400	649,400
	FEDERAL			(517,600)	(517,600)
	OTHER			(-0-)	(-0-)
	SERVICE			(131,800)	(131,800)
	SEGREGATED FUNDS			24,635,600	23,669,500
	FEDERAL			(1,081,100)	(1,081,100)
	OTHER			(23,554,500)	(22,588,400)
	TOTAL-ALL SOURCES			26,242,900	25,309,200
13	(3) SELF-AMORTIZING MORTGAGE LOANS FOR VETERANS				
14	(b) Self insurance	GPR	S	-0-	-0-
15	(e) General program deficiency	GPR	S	-0-	-0-
16	(q) Foreclosure loss payments	SEG	C	801,000	801,000
17	(r) Funded reserves	SEG	C	50,000	50,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(rm) Other reserves	SEG	C	-0-	-0-
2	(s) General program operations	SEG	A	3,616,800	3,562,800
3	(sm) County grants	SEG	A	458,800	448,800
4	(t) Debt service	SEG	C	33,378,900	32,059,200
5	(v) Revenue obligation repayment	SEG	C	-0-	-0-
6	(w) Revenue obligation funding	SEG	C	-0-	-0-
7	(wd) Loan-servicing administration	SEG	A	-0-	-0-
8	(wg) Escrow payments, recoveries, and				
9	refunds	SEG	C	-0-	-0-
10	(wp) Loan-servicing rights	SEG	B	-0-	-0-
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			38,305,500	36,921,800
	OTHER			(38,305,500)	(36,921,800)
	TOTAL-ALL SOURCES			38,305,500	36,921,800
11	(4) VETERANS MEMORIAL CEMETERIES				
12	(ad) Cemetery administration and				
13	maintenance	GPR	A	-0-	-0-
14	(g) Cemetery operations	PR	A	88,900	88,900
15	(h) Gifts, grants and bequests	PR	C	-0-	-0-
16	(m) Federal aid; cemetery operations				
17	and burials	PR-F	C	310,200	310,200
18	(q) Cemetery administration and				
19	maintenance	SEG	A	644,000	644,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(qm) Repayment of principal and				
2	interest	SEG	S	99,100	98,600
3	(r) Cemetery energy costs	SEG	A	50,700	55,800
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			399,100	399,100
	FEDERAL			(310,200)	(310,200)
	OTHER			(88,900)	(88,900)
	SEGREGATED FUNDS			793,800	798,400
	OTHER			(793,800)	(798,400)
	TOTAL-ALL SOURCES			1,192,900	1,197,500
	20.485 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			2,634,600	2,760,300
	PROGRAM REVENUE			81,036,800	83,500,200
	FEDERAL			(852,800)	(852,800)
	OTHER			(80,052,200)	(82,515,600)
	SERVICE			(131,800)	(131,800)
	SEGREGATED FUNDS			63,943,600	61,598,400
	FEDERAL			(1,081,100)	(1,081,100)
	OTHER			(62,862,500)	(60,517,300)
	TOTAL-ALL SOURCES			147,615,000	147,858,900
4	20.490 Wisconsin housing and economic development authority				
5	(1) FACILITATION OF CONSTRUCTION				
6	(a) Capital reserve fund deficiency	GPR	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
7	(2) HOUSING REHABILITATION LOAN PROGRAM				
8	(a) General program operations	GPR	C	-0-	-0-
9	(q) Loan loss reserve fund	SEG	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
1	(4) DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE				
2	(g) Disadvantaged business				
3	mobilization loan guarantee	PR	C	-0-	-0-
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
4	(5) WISCONSIN DEVELOPMENT LOAN GUARANTEES				
5	(a) Wisconsin development reserve				
6	fund	GPR	C	-0-	-0-
7	(q) Recycling fund transfer to				
8	Wisconsin development reserve				
9	fund	SEG	C	-0-	-0-
10	(r) Agrichemical management fund				
11	transfer to Wisconsin development				
12	reserve fund	SEG	C	-0-	-0-
13	(s) Petroleum inspection fund transfer				
14	to Wisconsin development reserve				
15	fund	SEG	A	-0-	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
16	(6) WISCONSIN JOB TRAINING LOAN GUARANTEES				
17	(a) Wisconsin job training reserve fund	GPR	S	-0-	-0-

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1 (k) Department of commerce				
2 appropriations transfer to				
3 Wisconsin job training	PR-S	C	-0-	-0-

(6) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
PROGRAM REVENUE	-0-	-0-
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	-0-	-0-

20.490 DEPARTMENT TOTALS

GENERAL PURPOSE REVENUES	-0-	-0-
PROGRAM REVENUE	-0-	-0-
OTHER	(-0-)	(-0-)
SERVICE	(-0-)	(-0-)
SEGREGATED FUNDS	-0-	-0-
OTHER	(-0-)	(-0-)
TOTAL-ALL SOURCES	-0-	-0-

4 **20.495 University of Wisconsin hospitals and clinics board**

5 (1) CONTRACTUAL SERVICES				
6 (g) General program operations	PR	C	143,850,500	143,850,500

20.495 DEPARTMENT TOTALS

PROGRAM REVENUE	143,850,500	143,850,500
OTHER	(143,850,500)	(143,850,500)
TOTAL-ALL SOURCES	143,850,500	143,850,500

Human Relations and Resources

FUNCTIONAL AREA TOTALS

GENERAL PURPOSE REVENUES	3,701,175,900	3,835,121,800
PROGRAM REVENUE	5,472,266,400	5,771,508,900
FEDERAL	(4,435,198,400)	(4,670,819,300)
OTHER	(712,098,000)	(765,064,700)
SERVICE	(324,970,000)	(335,624,900)
SEGREGATED FUNDS	820,055,400	843,775,500
FEDERAL	(1,081,100)	(1,081,100)
OTHER	(818,974,300)	(842,694,400)
SERVICE	(-0-)	(-0-)
LOCAL	(-0-)	(-0-)
TOTAL-ALL SOURCES	9,993,497,700	10,450,406,200

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
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General Executive Functions

1	20.505 Administration, department of				
2	(1) SUPERVISION AND MANAGEMENT				
3	(a) General program operations	GPR	A	7,140,200	7,140,200
4	(b) Midwest interstate low-level				
5	radioactive waste compact; loan				
6	from gen. fund	GPR	C	-0-	-0-
7	(br) Appropriation obligations				
8	repayment	GPR	A	190,833,100	200,629,300
9	(cm) Comprehensive planning grants;				
10	general purpose revenue	GPR	A	-0-	-0-
11	(cn) Comprehensive planning;				
12	administrative support	GPR	A	-0-	-0-
13	(fo) Federal resource acquisition				
14	support grants	GPR	A	-0-	-0-
15	(g) Midwest interstate low-level				
16	radioactive waste compact;				
17	membership & costs	PR	A	5,000	5,000
18	(ge) High-voltage transmission line				
19	annual impact fee distributions	PR	C	-0-	-0-
20	(gs) High-voltage transmission line				
21	environmental impact fee				
22	distributions	PR	C	-0-	-0-
23	(ie) Land	PR	C	3,000,000	3,000,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(if) Comprehensive planning grants;				
2	program revenue	PR	A	-0-	-0-
3	(im) Services to nonstate governmental				
4	units; entity contract	PR	A	1,323,700	1,323,700
5	(iq) Appropriation obligation proceeds	PR	C	-0-	-0-
6	(ir) Relay service	PR-S	A	4,733,500	4,733,500
7	(is) Information technology and				
8	communications services; nonstate				
9	entities	PR	A	19,029,500	19,029,500
10	(it) Appropriation obligations;				
11	agreements and ancillary				
12	arrangements	PR	C	-0-	-0-
13	(iu) Plat and proposed incorporation				
14	and annexation review	PR	C	607,300	607,300
15	(iv) Integrated business information				
16	system; nonstate entities	PR	C	-0-	-0-
17	(j) Gifts, grants, and bequests	PR	C	-0-	-0-
18	(ja) Justice information systems	PR	A	3,928,000	4,188,000
19	(ka) Materials and services to state				
20	agencies and certain districts	PR-S	A	7,495,600	7,495,600
21	(kb) Transportation, records, and				
22	document services	PR-S	A	20,483,000	20,483,000
23	(kc) Capital planning and building				
24	construction services	PR-S	A	12,166,900	12,166,900

SENATE BILL 40

	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(kd) Integrated business information				
2	system	PR-S	C	9,062,900	10,594,500
3	(ke) Telecommunications services; state				
4	agencies; veterans services	PR-S	A	21,677,600	21,677,600
5	(kf) Procurement services	PR-S	C	4,929,500	4,929,500
6	(kj) Financial services	PR-S	A	9,844,700	9,844,700
7	(kL) Printing, mail, communication and				
8	information technology services;				
9	agencies	PR-S	A	108,746,400	112,796,900
10	(km) University of Wisconsin-Green Bay				
11	programming	PR-S	A	250,000	250,000
12	(kn) Weatherization assistance	PR-S	C	10,067,300	10,067,300
13	(kp) Interagency assistance; justice				
14	information systems	PR-S	A	732,500	732,500
15	(kq) Justice information systems				
16	development, operation and				
17	maintenance	PR-S	A	264,800	278,700
18	(kr) Legal services	PR-S	C	-0-	16,132,200
19	(ku) Management assistance grants to				
20	counties	PR-S	A	500,000	500,000
21	(mb) Federal aid	PR-F	C	8,528,800	8,510,500
22	(md) Oil overcharge restitution funds	PR-F	C	325,700	325,700
23	(n) Federal aid; local assistance	PR-F	C	90,000,000	90,000,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ng) Sale of forest products; funds for				
2	public schools and public roads	PR	C	-0-	-0-
3	(pz) Indirect cost reimbursements	PR-F	C	359,500	186,100
4	(r) VendorNet fund administration	SEG	A	90,200	90,200
5	(sm) Excise tax fund – provision of				
6	reserves and pymt. of costs – rev.				
7	oblig.	SEG	S	-0-	-0-
8	(v) General program operations —				
9	environmental improvement				
10	programs; state funds	SEG	A	979,300	979,300
11	(x) General program operations —				
12	clean water fund program; federal				
13	funds	SEG-F	C	-0-	-0-
14	(y) General program operations — safe				
15	drinking water loan program;				
16	federal funds	SEG-F	C	-0-	-0-
17	(z) Transportation planning grants to				
18	local governmental units	SEG-S	B	-0-	-0-

(1) PROGRAM TOTALS

GENERAL PURPOSE REVENUES	197,973,300	207,769,500
PROGRAM REVENUE	338,062,200	359,858,700
FEDERAL	(99,214,000)	(99,022,300)
OTHER	(27,893,500)	(28,153,500)
SERVICE	(210,954,700)	(232,682,900)
SEGREGATED FUNDS	1,069,500	1,069,500
FEDERAL	(-0-)	(-0-)
OTHER	(1,069,500)	(1,069,500)
SERVICE	(-0-)	(-0-)
TOTAL-ALL SOURCES	537,105,000	568,697,700

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(2) RISK MANAGEMENT				
2	(a) General fund supplement — risk				
3	management claims	GPR	S	-0-	-0-
4	(am) Costs and judgments	GPR	S	-0-	-0-
5	(k) Risk management costs	PR-S	C	24,607,000	25,695,000
6	(ki) Risk management administration	PR-S	A	7,245,600	7,245,600
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			31,852,600	32,940,600
	SERVICE			(31,852,600)	(32,940,600)
	TOTAL-ALL SOURCES			31,852,600	32,940,600
7	(3) UTILITY PUBLIC BENEFITS AND AIR QUALITY IMPROVEMENT				
8	(q) General program operations; utility				
9	public benefits	SEG	A	12,608,600	12,608,600
10	(r) Low-income assistance grants	SEG	S	20,500,000	20,500,000
11	(rr) Air quality improvement grants	SEG	S	-0-	-0-
12	(s) Transfer to air quality improvement				
13	fund	SEG	S	-0-	-0-
	(3) PROGRAM TOTALS				
	SEGREGATED FUNDS			33,108,600	33,108,600
	OTHER			(33,108,600)	(33,108,600)
	TOTAL-ALL SOURCES			33,108,600	33,108,600
14	(4) ATTACHED DIVISIONS AND OTHER BODIES				
15	(a) Adjudication of tax appeals	GPR	A	551,000	554,600
16	(b) Adjudication of equalization				
17	appeals	GPR	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(bm) Aid to the Wisconsin covenant				
2	foundation, inc.	GPR	A	180,200	180,200
3	(br) Character education grants	GPR	A	250,000	250,000
4	(d) Claims awards	GPR	S	23,700	23,700
5	(ea) Women's council operations	GPR	A	144,200	144,200
6	(ec) Service award program; general				
7	program operations	GPR	A	20,300	20,300
8	(er) Service award program; state				
9	matching awards	GPR	S	1,642,200	1,785,000
10	(es) Principal, interest & rebates;				
11	general purpose revenue–schools	GPR	S	3,167,500	3,164,800
12	(et) Principal, interest & rebates;				
13	general purpose rev.–public library				
14	boards	GPR	S	19,900	19,900
15	(f) Hearings and appeals operations	GPR	A	2,494,200	2,494,200
16	(h) Program services	PR	A	32,100	32,100
17	(ha) Principal, interest & rebates;				
18	program revenue–schools	PR	C	1,255,100	1,260,200
19	(hb) Principal, interest & rebates;				
20	program revenue–public library				
21	boards	PR	C	11,500	11,500
22	(hc) Administration of Governor's				
23	Wisconsin Educational Technology				
24	Conference	PR	A	180,000	180,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(j) National and community service				
2	board; gifts and grants	PR	C	-0-	-0-
3	(js) Educ. tech. block grants; Wisc.				
4	advncd. telecomm. foundation				
5	assessments	PR	C	-0-	-0-
6	(k) Waste facility siting board; general				
7	program operations	PR-S	A	53,900	53,900
8	(ka) State use board — general program				
9	operations	PR-S	A	126,000	126,000
10	(kb) National and community service				
11	board; administrative support	PR-S	A	48,000	48,000
12	(kp) Hearings and appeals fees	PR-S	A	3,156,900	3,156,900
13	(L) Equipment purchases and leases	PR	C	-0-	-0-
14	(Lm) Educational telecommunications;				
15	additional services	PR	C	-0-	-0-
16	(mg) Council on developmental				
17	disabilities; federal aid	PR-F	C	1,268,200	1,268,200
18	(mp) Federal e-rate aid	PR-F	C	5,365,000	5,365,000
19	(o) National and community service				
20	board; federal aid for				
21	administration	PR-F	C	428,800	428,800
22	(p) National and community service				
23	board; federal aid for grants	PR-F	C	3,354,300	3,354,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(r) State capitol and executive				
2	residence board; gifts and grants	SEG	C	-0-	-0-
3	(s) Telecommunications access; school				
4	districts	SEG	B	11,340,700	11,340,700
5	(t) Telecommunications access; private				
6	and technical colleges and libraries	SEG	B	5,066,000	5,066,000
7	(tm) Telecommunications access; private				
8	schools	SEG	B	701,300	701,300
9	(tu) Telecommunications access; state				
10	schools	SEG	B	68,200	68,200
11	(tw) Telecommunications access;				
12	juvenile correctional facilities	SEG	B	102,300	102,300
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			8,493,200	8,636,900
	PROGRAM REVENUE			15,279,800	15,284,900
	FEDERAL			(10,416,300)	(10,416,300)
	OTHER			(1,478,700)	(1,483,800)
	SERVICE			(3,384,800)	(3,384,800)
	SEGREGATED FUNDS			17,278,500	17,278,500
	OTHER			(17,278,500)	(17,278,500)
	TOTAL-ALL SOURCES			41,051,500	41,200,300
13	(5) FACILITIES MANAGEMENT				
14	(c) Principal repayment and interest;				
15	Black Point Estate	GPR	S	113,400	127,700
16	(g) Principal repayment, interest and				
17	rebates; parking	PR-S	S	1,796,400	1,796,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ka) Facility operations and				
2	maintenance; police and protection				
3	functions	PR-S	A	39,230,000	39,777,200
4	(kb) Parking	PR	A	924,800	954,100
5	(kc) Principal repayment, interest and				
6	rebates	PR-S	C	18,624,100	18,137,300
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			113,400	127,700
	PROGRAM REVENUE			60,575,300	60,664,600
	OTHER			(924,800)	(954,100)
	SERVICE			(59,650,500)	(59,710,500)
	TOTAL-ALL SOURCES			60,688,700	60,792,300
7	(6) OFFICE OF JUSTICE ASSISTANCE				
8	(a) General program operations	GPR	A	1,449,300	1,684,200
9	(b) Alts. to pros. & incar. for pers. who				
10	use alch. or oth. drgs.; pre. assess.	GPR	A	500,000	1,000,000
11	(c) Law enforcement officer				
12	supplement grants	GPR	A	1,000,000	1,000,000
13	(d) Youth diversion	GPR	A	380,000	380,000
14	(e) Indigent civil legal services	GPR	A	-0-	1,000,000
15	(f) Law enforcement officer				
16	supplement grants to 1st class				
17	cities	GPR	A	750,000	750,000
18	(gj) Grants for victims of sexual				
19	assault; child pornography				
20	surcharge	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(i) Gifts and grants	PR	C	-0-	-0-
2	(k) Law enforcement programs and				
3	youth diversion – administration	PR-S	A	195,400	204,500
4	(kj) Youth diversion program	PR-S	A	753,900	794,900
5	(km) Interagency and intra-agency aids	PR-S	C	300,000	300,000
6	(ku) Grants for substance abuse				
7	treatment programs for criminal				
8	offenders	PR	C	755,000	755,000
9	(m) Federal aid, justice assistance,				
10	state operations	PR-F	C	3,005,100	2,587,100
11	(mb) Federal aid, homeland security	PR-F	C	36,745,100	36,600,000
12	(p) Federal aid, local assistance and				
13	aids	PR-F	C	18,904,900	18,904,900
	(6) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,079,300	5,814,200
	PROGRAM REVENUE			60,659,400	60,146,400
	FEDERAL			(58,655,100)	(58,092,000)
	OTHER			(755,000)	(755,000)
	SERVICE			(1,249,300)	(1,299,400)
	TOTAL-ALL SOURCES			64,738,700	65,960,600
14	(8) DIVISION OF GAMING				
15	(am) Interest on racing and bingo				
16	moneys	GPR	S	12,300	12,300
17	(g) General program operations; racing	PR	A	1,624,100	1,593,400
18	(h) General program operations; Indian				
19	gaming	PR	A	1,811,200	1,811,200
20	(hm) Indian gaming receipts	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(j) General program operations; raffles				
2	and crane games	PR	A	212,300	212,300
3	(jm) General program operations; bingo	PR	A	272,000	272,000
(8) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			12,300	12,300
	PROGRAM REVENUE			3,919,600	3,888,900
	OTHER			(3,919,600)	(3,888,900)
	TOTAL-ALL SOURCES			3,931,900	3,901,200
20.505 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			210,671,500	222,360,600
	PROGRAM REVENUE			510,348,900	532,784,100
	FEDERAL			(168,285,400)	(167,530,600)
	OTHER			(34,971,600)	(35,235,300)
	SERVICE			(307,091,900)	(330,018,200)
	SEGREGATED FUNDS			51,456,600	51,456,600
	FEDERAL			(-0-)	(-0-)
	OTHER			(51,456,600)	(51,456,600)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			772,477,000	806,601,300
4	20.507 Board of commissioners of public lands				
5	(1) TRUST LANDS AND INVESTMENTS				
6	(h) Trust lands and investments –				
7	general program operations	PR-S	A	1,604,400	1,604,400
8	(j) Payments to American Indian				
9	tribes or bands for raised sunken				
10	logs	PR	C	-0-	-0-
11	(k) Trust lands and investments –				
12	interagency and intra-agency				
13	assistance	PR-S	A	-0-	-0-
14	(mg) Federal aid — flood control	PR-F	C	52,700	52,700
20.507 DEPARTMENT TOTALS					
	PROGRAM REVENUE			1,657,100	1,657,100

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
	FEDERAL			(52,700)	(52,700)
	OTHER			(-0-)	(-0-)
	SERVICE			(1,604,400)	(1,604,400)
	TOTAL-ALL SOURCES			1,657,100	1,657,100
1	20.510 Elections board				
2	(1) ADMINISTRATION OF ELECTION AND CAMPAIGN LAWS				
3	(a) General program operations;				
4	general purpose revenue	GPR	B	1,975,800	2,080,400
5	(b) Election-related cost				
6	reimbursement	GPR	S	-0-	-0-
7	(bm) Training of chief inspectors	GPR	B	-0-	-0-
8	(c) Voting system transitional				
9	assistance	GPR	B	-0-	-0-
10	(d) Election administration transfer	GPR	A	-0-	-0-
11	(e) Funding for future public financing;				
12	general purpose revenue	GPR	C	-0-	-0-
13	(g) Recount fees	PR	C	-0-	-0-
14	(gm) Gifts and grants	PR	C	-0-	-0-
15	(h) Materials and services	PR	A	100,000	100,000
16	(i) General program operations;				
17	program revenue	PR	A	37,500	37,500
18	(j) Electronic filing software	PR	C	-0-	-0-
19	(q) Wisconsin election campaign fund	SEG	C	750,000	750,000
20	(t) Election administration	SEG	A	100	100
21	(x) Federal aid	SEG-F	C	1,575,500	1,477,800

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
20.510 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			1,975,800	2,080,400
PROGRAM REVENUE			137,500	137,500
OTHER			(137,500)	(137,500)
SEGREGATED FUNDS			2,325,600	2,227,900
FEDERAL			(1,575,500)	(1,477,800)
OTHER			(750,100)	(750,100)
TOTAL-ALL SOURCES			4,438,900	4,445,800
1 20.515 Employee trust funds, department of				
2 (1) EMPLOYEE BENEFIT PLANS				
3 (a) Annuity supplements and				
4 payments	GPR	S	1,315,300	1,081,500
5 (c) Contingencies	GPR	S	250,000	250,000
6 (gm) Gifts and grants	PR	C	-0-	-0-
7 (m) Federal aid	PR-F	C	-0-	-0-
8 (sr) Gifts and grants; public employee				
9 trust fund	SEG	C	-0-	-0-
10 (t) Automated operating system	SEG	C	5,180,400	645,200
11 (u) Employee-funded reimbursement				
12 account plan	SEG	C	-0-	-0-
13 (um) Benefit administration	SEG	B	5,000	5,000
14 (ut) Health insurance data collection				
15 and analysis contracts	SEG	C	822,300	779,400
16 (w) Administration	SEG	C	22,046,600	22,432,700
(1) PROGRAM TOTALS				
GENERAL PURPOSE REVENUES			1,565,300	1,331,500
PROGRAM REVENUE			-0-	-0-
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SEGREGATED FUNDS			28,054,300	23,862,300

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
	OTHER			(28,054,300)	(23,862,300)
	TOTAL-ALL SOURCES			29,619,600	25,193,800
1	(2) PRIVATE EMPLOYER HEALTH CARE COVERAGE PROGRAM				
2	(a) Private employer health care				
3	coverage program; operating costs	GPR	B	-0-	-0-
4	(b) Grants for program administration	GPR	B	-0-	-0-
5	(g) Private employer health care				
6	coverage plan	PR	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.515 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			1,565,300	1,331,500
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			28,054,300	23,862,300
	OTHER			(28,054,300)	(23,862,300)
	TOTAL-ALL SOURCES			29,619,600	25,193,800
7	20.521 Ethics board				
8	(1) ETHICS AND LOBBYING REGULATION				
9	(a) General program operations;				
10	general purpose revenue	GPR	A	285,500	285,500
11	(b) Code of ethics investigations	GPR	B	32,800	32,800
12	(g) General program operations;				
13	program revenue	PR	A	411,200	411,200
14	(h) Gifts and grants	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(i) Materials and services	PR	A	15,000	15,000
20.521 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			318,300	318,300
	PROGRAM REVENUE			426,200	426,200
	OTHER			(426,200)	(426,200)
	TOTAL-ALL SOURCES			744,500	744,500
2	20.525 Office of the governor				
3	(1) EXECUTIVE ADMINISTRATION				
4	(a) General program operations	GPR	S	3,981,900	3,981,900
5	(b) Contingent fund	GPR	S	21,700	21,700
6	(c) Membership in national				
7	associations	GPR	S	125,900	125,900
8	(d) Disability board	GPR	S	-0-	-0-
9	(f) Literacy improvement aids	GPR	A	25,200	25,200
10	(i) Gifts and grants	PR	C	-0-	-0-
11	(m) Federal aid	PR-F	C	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			4,154,700	4,154,700
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			4,154,700	4,154,700
12	(2) EXECUTIVE RESIDENCE				
13	(a) General program operations	GPR	S	248,400	248,400
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			248,400	248,400
	TOTAL-ALL SOURCES			248,400	248,400
20.525 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			4,403,100	4,403,100
	PROGRAM REVENUE			-0-	-0-

SENATE BILL 40

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09	
	FEDERAL			(-0-)	(-0-)	
	OTHER			(-0-)	(-0-)	
	TOTAL-ALL SOURCES			4,403,100	4,403,100	
1	20.536 Investment board					
2	(1)	INVESTMENT OF FUNDS				
3	(k)	General program operations	PR	C	22,474,700	22,474,700
4	(ka)	General program operations;				
5		environmental improvement fund	PR-S	C	-0-	-0-
	20.536 DEPARTMENT TOTALS					
		PROGRAM REVENUE			22,474,700	22,474,700
		OTHER			(22,474,700)	(22,474,700)
		SERVICE			(-0-)	(-0-)
		TOTAL-ALL SOURCES			22,474,700	22,474,700
6	20.540 Office of the lieutenant governor					
7	(1)	EXECUTIVE COORDINATION				
8	(a)	General program operations	GPR	A	408,200	408,200
9	(g)	Gifts, grants and proceeds	PR	C	-0-	-0-
10	(k)	Grants from state agencies	PR-S	C	-0-	-0-
11	(m)	Federal aid	PR-F	C	-0-	-0-
	20.540 DEPARTMENT TOTALS					
		GENERAL PURPOSE REVENUES			408,200	408,200
		PROGRAM REVENUE			-0-	-0-
		FEDERAL			(-0-)	(-0-)
		OTHER			(-0-)	(-0-)
		SERVICE			(-0-)	(-0-)
		TOTAL-ALL SOURCES			408,200	408,200
12	20.545 State employment relations, office of					
13	(1)	STATE EMPLOYMENT RELATIONS				
14	(a)	General program operations	GPR	A	5,238,000	5,238,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(i) Services to non-state governmental				
2	units	PR	A	214,100	214,100
3	(j) Gifts and donations	PR	C	-0-	-0-
4	(jm) Employee development and				
5	training services	PR	A	282,700	282,700
6	(k) Funds received from other state				
7	agencies	PR	C	325,000	325,000
8	(ka) Publications	PR	A	158,700	158,700
9	(km) Collective bargaining grievance				
10	arbitrations	PR	A	140,600	157,800
11	(m) Federal grants and contracts	PR-F	C	-0-	-0-
12	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
20.545 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			5,238,000	5,238,000
	PROGRAM REVENUE			1,121,100	1,138,300
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,121,100)	(1,138,300)
	TOTAL-ALL SOURCES			6,359,100	6,376,300
13	20.550 Public defender board				
14	(1) LEGAL ASSISTANCE				
15	(a) Program administration	GPR	A	2,547,000	2,548,800
16	(b) Appellate representation	GPR	A	5,004,300	5,005,900
17	(c) Trial representation	GPR	A	46,397,700	46,412,900
18	(d) Private bar and investigator				
19	reimbursement	GPR	B	22,589,100	22,909,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(e) Private bar and investigator				
2	payments; administration costs	GPR	A	684,900	685,000
3	(f) Transcripts, discovery and				
4	interpreters	GPR	A	1,339,100	1,339,100
5	(fb) Payments from clients;				
6	administrative costs	PR	A	242,400	246,500
7	(g) Gifts, grants and proceeds	PR	C	-0-	-0-
8	(h) Contractual agreements	PR-S	A	-0-	-0-
9	(i) Tuition payments	PR	C	-0-	-0-
10	(kj) Conferences and training	PR-S	A	133,700	140,800
11	(L) Private bar and inv.				
12	reimbursement; payments for legal				
13	representation	PR	C	1,024,700	1,024,700
14	(m) Federal aid	PR-F	C	-0-	-0-
20.550 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			78,562,100	78,901,300
	PROGRAM REVENUE			1,400,800	1,412,000
	FEDERAL			(-0-)	(-0-)
	OTHER			(1,267,100)	(1,271,200)
	SERVICE			(133,700)	(140,800)
	TOTAL-ALL SOURCES			79,962,900	80,313,300
15	20.566 Revenue, department of				
16	(1) COLLECTION OF TAXES				
17	(a) General program operations	GPR	A	47,756,100	47,740,700
18	(g) Administration of county sales and				
19	use taxes	PR	A	3,457,200	3,460,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ga) Cigarette tax stamps	PR	A	261,700	261,700
2	(gb) Business tax registration	PR	A	1,625,800	1,627,000
3	(gd) Administration of special district				
4	taxes	PR	A	466,500	466,500
5	(ge) Administration of local professional				
6	football stadium districts	PR	A	143,700	143,700
7	(gf) Administration of resort tax	PR	A	23,400	23,400
8	(gg) Administration of local taxes	PR	A	195,500	195,500
9	(gh) Administration of regional transit				
10	authority fees	PR	A	-0-	-0-
11	(gm) Administration of tax on controlled				
12	substances dealers	PR	A	-0-	-0-
13	(h) Debt collection	PR	A	433,600	433,600
14	(ha) Administration of liquor tax and				
15	alcohol beverages enforcement	PR	A	1,073,800	1,073,800
16	(hb) Collections by the department	PR	A	613,800	592,100
17	(hm) Collections under contracts	PR	S	354,200	354,200
18	(hn) Collections under the multi-state				
19	tax commission audit program	PR-S	S	57,400	57,400
20	(ho) Collections under multistate				
21	streamlined sales tax	PR	S	20,000	40,000
22	(hp) Administration of income tax				
23	checkoff voluntary payments	PR	A	30,000	30,000
24	(i) Gifts and grants	PR	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(m) Federal funds; state operations	PR-F	C	-0-	-0-
2	(q) Recycling surcharge administration	SEG	A	218,600	218,600
3	(qm) Administration of rental vehicle fee	SEG	A	37,900	37,900
4	(r) Administration of dry cleaner fees	SEG	A	60,200	60,200
5	(s) Petroleum inspection fee collection	SEG	A	163,700	163,700
6	(u) Motor fuel tax administration	SEG	A	1,690,100	1,676,900
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			47,756,100	47,740,700
	PROGRAM REVENUE			8,756,600	8,758,900
	FEDERAL			(-0-)	(-0-)
	OTHER			(8,699,200)	(8,701,500)
	SERVICE			(57,400)	(57,400)
	SEGREGATED FUNDS			2,170,500	2,157,300
	OTHER			(2,170,500)	(2,157,300)
	TOTAL-ALL SOURCES			58,683,200	58,656,900
7	(2) STATE AND LOCAL FINANCE				
8	(a) General program operations	GPR	A	8,619,000	8,619,000
9	(b) Integrated property assessment				
10	system technology	GPR	A	2,700,000	2,700,000
11	(g) County assessment studies	PR	C	-0-	-0-
12	(gb) Manufacturing property				
13	assessment	PR	A	1,309,100	1,309,100
14	(gi) Municipal finance report				
15	compliance	PR	A	40,300	40,300
16	(h) Reassessments	PR	A	635,500	635,500
17	(hi) Wisconsin property assessment				
18	manual	PR	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(hm) Administration of tax incremental				
2	financing program	PR	C	125,000	125,300
3	(i) Gifts and grants	PR	C	-0-	-0-
4	(m) Federal funds; state operations	PR-F	C	-0-	-0-
5	(q) Railroad and air carrier tax				
6	administration	SEG	A	215,700	218,400
7	(r) Lottery credit administration	SEG	A	282,600	282,600
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			11,319,000	11,319,000
	PROGRAM REVENUE			2,109,900	2,110,200
	FEDERAL			(-0-)	(-0-)
	OTHER			(2,109,900)	(2,110,200)
	SEGREGATED FUNDS			498,300	501,000
	OTHER			(498,300)	(501,000)
	TOTAL-ALL SOURCES			13,927,200	13,930,200
8	(3) ADMINISTRATIVE SERVICES AND SPACE RENTAL				
9	(a) General program operations	GPR	A	27,077,700	27,077,700
10	(b) Integrated tax system technology	GPR	A	4,259,700	4,259,700
11	(c) Expert professional services	GPR	B	75,000	75,000
12	(g) Services	PR	A	98,200	98,200
13	(gm) Reciprocity agreement and				
14	publications	PR	A	201,100	201,100
15	(go) Reciprocity agreement; Illinois	PR	A	-0-	-0-
16	(i) Gifts and grants	PR	C	-0-	-0-
17	(k) Internal services	PR-S	A	3,272,700	3,272,700
18	(m) Federal funds; state operations	PR-F	C	-0-	-0-

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
(3) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				31,412,400	31,412,400
PROGRAM REVENUE				3,572,000	3,572,000
FEDERAL				(-0-)	(-0-)
OTHER				(299,300)	(299,300)
SERVICE				(3,272,700)	(3,272,700)
TOTAL-ALL SOURCES				34,984,400	34,984,400
1	(7) INVESTMENT AND LOCAL IMPACT FUND				
2	(e) Investment and local impact fund				
3	supplement	GPR	A	-0-	-0-
4	(g) Investment and local impact fund				
5	administrative expenses	PR	A	-0-	-0-
6	(n) Federal mining revenue	PR-F	C	-0-	-0-
7	(v) Investment and local impact fund	SEG	C	-0-	-0-
(7) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				-0-	-0-
PROGRAM REVENUE				-0-	-0-
FEDERAL				(-0-)	(-0-)
OTHER				(-0-)	(-0-)
SEGREGATED FUNDS				-0-	-0-
OTHER				(-0-)	(-0-)
TOTAL-ALL SOURCES				-0-	-0-
8	(8) LOTTERY				
9	(q) General program operations	SEG	A	22,318,500	21,862,700
10	(r) Retailer compensation	SEG	S	35,780,700	36,817,400
11	(s) Prizes	SEG	S	-0-	-0-
12	(v) Vendor fees	SEG	S	12,928,200	13,291,500
(8) PROGRAM TOTALS					
SEGREGATED FUNDS				71,027,400	71,971,600
OTHER				(71,027,400)	(71,971,600)
TOTAL-ALL SOURCES				71,027,400	71,971,600

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
	20.566 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			90,487,500	90,472,100
	PROGRAM REVENUE			14,438,500	14,441,100
	FEDERAL			(-0-)	(-0-)
	OTHER			(11,108,400)	(11,111,000)
	SERVICE			(3,330,100)	(3,330,100)
	SEGREGATED FUNDS			73,696,200	74,629,900
	OTHER			(73,696,200)	(74,629,900)
	TOTAL-ALL SOURCES			178,622,200	179,543,100
1	20.575 Secretary of state				
2	(1) MANAGING AND OPERATING PROGRAM RESPONSIBILITIES				
3	(g) Program fees	PR	A	759,400	759,400
4	(ka) Agency collections	PR-S	A	4,000	4,000
	20.575 DEPARTMENT TOTALS				
	PROGRAM REVENUE			763,400	763,400
	OTHER			(759,400)	(759,400)
	SERVICE			(4,000)	(4,000)
	TOTAL-ALL SOURCES			763,400	763,400
5	20.585 Treasurer, state				
6	(1) CUSTODIAN OF STATE FUNDS				
7	(b) Insurance	GPR	A	-0-	-0-
8	(e) Unclaimed property; contingency				
9	appropriation	GPR	S	-0-	-0-
10	(g) Processing services	PR	A	267,500	267,500
11	(h) Training conferences	PR	C	-0-	-0-
12	(i) Gifts and grants	PR	C	-0-	-0-
13	(j) Unclaimed property; claims	PR	C	-0-	-0-
14	(k) Unclaimed property; administrative				
15	expenses	PR	C	1,578,700	1,580,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(kb) General program operations	PR-S	A	-0-	-0-
	(1) P R O G R A M T O T A L S				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			1,846,200	1,847,800
	OTHER			(1,846,200)	(1,847,800)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			1,846,200	1,847,800
2	(2) COLLEGE TUITION PREPAYMENT PROGRAM				
3	(q) Pymt of qualified higher ed				
4	expenses & refunds; college tuition				
5	& exp pgm	SEG	S	-0-	-0-
6	(s) Administrative expenses; college				
7	tuition and expenses program	SEG	A	67,000	67,000
8	(t) Pymt of qualified higher ed exp &				
9	refunds; college savings pgm trust				
10	fund	SEG	S	-0-	-0-
11	(tm) Administrative expenses; college				
12	savings program trust fund	SEG	A	815,100	815,100
13	(u) Pymt of qualified higher ed exp &				
14	ref; college svgs pgm bank dep trust				
15	fund	SEG	S	-0-	-0-
16	(um) Administrative expenses; college				
17	savings program bank deposit trust				
18	fund	SEG	A	-0-	-0-
19	(v) Pymt of qualified higher ed exp &				
20	ref; college svgs pgm CU dep trust				
21	fund	SEG	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(vm) Administrative expenses; college				
2	svgs pgm credit union deposit trust				
3	fund	SEG	A	-0-	-0-
	(2) PROGRAM TOTALS				
	SEGREGATED FUNDS			882,100	882,100
	OTHER			(882,100)	(882,100)
	TOTAL-ALL SOURCES			882,100	882,100
	20.585 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			1,846,200	1,847,800
	OTHER			(1,846,200)	(1,847,800)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			882,100	882,100
	OTHER			(882,100)	(882,100)
	TOTAL-ALL SOURCES			2,728,300	2,729,900
	General Executive Functions FUNCTIONAL AREA TOTALS				
	GENERAL PURPOSE REVENUES			393,629,800	405,513,500
	PROGRAM REVENUE			554,614,400	577,082,200
	FEDERAL			(168,338,100)	(167,583,300)
	OTHER			(74,112,200)	(74,401,400)
	SERVICE			(312,164,100)	(335,097,500)
	SEGREGATED FUNDS			156,414,800	153,058,800
	FEDERAL			(1,575,500)	(1,477,800)
	OTHER			(154,839,300)	(151,581,000)
	SERVICE			(-0-)	(-0-)
	LOCAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			1,104,659,000	1,135,654,500

Judicial

4	20.625 Circuit courts				
5	(1) COURT OPERATIONS				
6	(a) Circuit courts	GPR	S	64,254,300	64,254,300
7	(as) Violent crime court costs	GPR	A	-0-	-0-
8	(b) Permanent reserve judges	GPR	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(c) Court interpreter fees	GPR	A	1,060,600	1,125,100
2	(d) Circuit court support payments	GPR	B	18,739,600	18,739,600
3	(e) Guardian ad litem costs	GPR	A	4,738,500	4,738,500
4	(m) Federal aid	PR-F	C	-0-	-0-
5	(q) Circuit court support payments	SEG	A	9,103,000	10,012,500
20.625 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			88,793,000	88,857,500
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	SEGREGATED FUNDS			9,103,000	10,012,500
	OTHER			(9,103,000)	(10,012,500)
	TOTAL-ALL SOURCES			97,896,000	98,870,000
6	20.660 Court of appeals				
7	(1) APPELLATE PROCEEDINGS				
8	(a) General program operations	GPR	S	9,527,000	9,527,000
9	(m) Federal aid	PR-F	C	-0-	-0-
20.660 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			9,527,000	9,527,000
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			9,527,000	9,527,000
10	20.665 Judicial commission				
11	(1) JUDICIAL CONDUCT				
12	(a) General program operations	GPR	A	220,900	220,900
13	(cm) Contractual agreements	GPR	B	18,200	18,200
14	(d) General program operations;				
15	judicial council	GPR	A	11,800	11,800
16	(mm) Federal aid	PR-F	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
	20.665 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			250,900	250,900
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			250,900	250,900
1	20.680 Supreme court				
2	(1) SUPREME COURT PROCEEDINGS				
3	(a) General program operations	GPR	S	4,865,900	4,865,900
4	(m) Federal aid	PR-F	C	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			4,865,900	4,865,900
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	TOTAL-ALL SOURCES			4,865,900	4,865,900
5	(2) DIRECTOR OF STATE COURTS				
6	(a) General program operations	GPR	A	7,039,100	7,065,100
7	(b) Judicial planning and research	GPR	A	-0-	-0-
8	(g) Gifts and grants	PR	C	-0-	-0-
9	(ga) Court commissioner training	PR	C	60,600	60,600
10	(gc) Court interpreter training and				
11	certification	PR	C	45,600	45,600
12	(h) Materials and services	PR	C	60,900	60,900
13	(i) Municipal judge training	PR	C	146,400	146,400
14	(j) Court information systems	PR	C	9,310,800	9,310,800
15	(kc) Central services	PR-S	A	220,500	220,500
16	(ke) Interagency and intra-agency				
17	automation assistance	PR-S	C	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(m) Federal aid	PR-F	C	886,900	886,900
2	(qm) Mediation fund	SEG	C	755,800	755,800
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			7,039,100	7,065,100
	PROGRAM REVENUE			10,731,700	10,731,700
	FEDERAL			(886,900)	(886,900)
	OTHER			(9,624,300)	(9,624,300)
	SERVICE			(220,500)	(220,500)
	SEGREGATED FUNDS			755,800	755,800
	OTHER			(755,800)	(755,800)
	TOTAL-ALL SOURCES			18,526,600	18,552,600
3	(3) BAR EXAMINERS AND RESPONSIBILITY				
4	(g) Board of bar examiners	PR	C	704,900	704,900
5	(h) Office of lawyer regulation	PR	C	2,524,700	2,524,700
	(3) PROGRAM TOTALS				
	PROGRAM REVENUE			3,229,600	3,229,600
	OTHER			(3,229,600)	(3,229,600)
	TOTAL-ALL SOURCES			3,229,600	3,229,600
6	(4) LAW LIBRARY				
7	(a) General program operations	GPR	A	2,058,200	2,058,200
8	(g) Library collections and services	PR	C	137,200	137,200
9	(h) Gifts and grants	PR	C	554,100	554,100
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			2,058,200	2,058,200
	PROGRAM REVENUE			691,300	691,300
	OTHER			(691,300)	(691,300)
	TOTAL-ALL SOURCES			2,749,500	2,749,500
	20.680 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			13,963,200	13,989,200
	PROGRAM REVENUE			14,652,600	14,652,600
	FEDERAL			(886,900)	(886,900)
	OTHER			(13,545,200)	(13,545,200)
	SERVICE			(220,500)	(220,500)
	SEGREGATED FUNDS			755,800	755,800

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
OTHER			(755,800)	(755,800)
TOTAL-ALL SOURCES			29,371,600	29,397,600
Judicial				
FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			112,534,100	112,624,600
PROGRAM REVENUE			14,652,600	14,652,600
FEDERAL			(886,900)	(886,900)
OTHER			(13,545,200)	(13,545,200)
SERVICE			(220,500)	(220,500)
SEGREGATED FUNDS			9,858,800	10,768,300
FEDERAL			(-0-)	(-0-)
OTHER			(9,858,800)	(10,768,300)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			137,045,500	138,045,500

Legislative

1	20.765 Legislature				
2	(1) ENACTMENT OF STATE LAWS				
3	(a) General program operations —				
4	assembly	GPR	S	24,089,400	24,089,400
5	(b) General program operations —				
6	senate	GPR	S	17,116,800	17,116,800
7	(d) Legislative documents	GPR	S	4,108,800	4,108,800
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			45,315,000	45,315,000
	TOTAL-ALL SOURCES			45,315,000	45,315,000
8	(3) SERVICE AGENCIES AND NATIONAL ASSOCIATIONS				
9	(a) Revisor of statutes bureau	GPR	B	925,400	925,400
10	(b) Legislative reference bureau	GPR	B	5,703,800	5,703,800
11	(c) Legislative audit bureau	GPR	B	5,773,800	5,773,800

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09	
1	(d) Legislative fiscal bureau	GPR	B	3,715,700	3,715,700	
2	(e) Joint leg council, exec of functions,					
3	research, dev studies, comm assist	GPR	B	3,743,000	3,743,000	
4	(ec) Joint legislative council;					
5	contractual studies	GPR	B	-0-	-0-	
6	(em) Legislative technology services					
7	bureau	GPR	B	3,673,100	3,679,200	
8	(f) Joint committee on legislative					
9	organization	GPR	B	-0-	-0-	
10	(fa) Membership in national					
11	associations	GPR	S	201,400	214,700	
12	(g) Gifts and grants to service agencies	PR	C	-0-	-0-	
13	(ka) Audit bureau reimbursable audits	PR-S	A	1,946,800	1,959,700	
14	(m) Federal aid	PR-F	C	-0-	-0-	
	(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			23,736,200	23,755,600	
	PROGRAM REVENUE			1,946,800	1,959,700	
	FEDERAL			(-0-)	(-0-)	
	OTHER			(-0-)	(-0-)	
	SERVICE			(1,946,800)	(1,959,700)	
	TOTAL-ALL SOURCES			25,683,000	25,715,300	
15	(4) CAPITOL OFFICES RELOCATION					
16	(a) Capitol offices relocation costs	GPR	B	-0-	-0-	
	(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			-0-	-0-	
	TOTAL-ALL SOURCES			-0-	-0-	
	20.765 DEPARTMENT TOTALS					
	GENERAL PURPOSE REVENUES			69,051,200	69,070,600	
	PROGRAM REVENUE			1,946,800	1,959,700	

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STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(1,946,800)	(1,959,700)
TOTAL-ALL SOURCES			70,998,000	71,030,300
Legislative FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			69,051,200	69,070,600
PROGRAM REVENUE			1,946,800	1,959,700
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(1,946,800)	(1,959,700)
SEGREGATED FUNDS			-0-	-0-
FEDERAL			(-0-)	(-0-)
OTHER			(-0-)	(-0-)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			70,998,000	71,030,300

General Appropriations

1	20.835 Shared revenue and tax relief				
2	(1) SHARED REVENUE PAYMENTS				
3	(b) Small municipalities shared				
4	revenue	GPR	S	-0-	-0-
5	(c) Expenditure restraint program				
6	account	GPR	S	58,145,700	58,145,700
7	(cb) Municipal levy restraint payment				
8	account	GPR	S	-0-	-0-
9	(cd) Municipal levy restraint bonus				
10	payment account	GPR	S	-0-	-0-
11	(cf) County levy restraint payment				
12	account	GPR	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(cg) County levy restraint bonus				
2	payment account	GPR	S	-0-	-0-
3	(d) Shared revenue account	GPR	S	15,872,100	15,979,600
4	(db) Municipal aid account	GPR	S	697,483,400	709,740,200
5	(dc) County aid account; supplemental	GPR	S	70,574,400	64,793,400
6	(dm) Public utility distribution account	GPR	S	2,871,200	3,372,500
7	(e) State aid; tax exempt property	GPR	S	64,450,000	64,180,000
8	(f) County mandate relief account	GPR	S	-0-	-0-
9	(q) County aid account	SEG	S	106,054,500	115,187,500
10	(t) Shared revenue and municipal aid				
11	account; transportation fund	SEG	A	-0-	-0-
12	(u) Shared revenue and municipal aid				
13	account; utility public benefits fund	SEG	A	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			909,396,800	916,211,400
	SEGREGATED FUNDS			106,054,500	115,187,500
	OTHER			(106,054,500)	(115,187,500)
	TOTAL-ALL SOURCES			1,015,451,300	1,031,398,900
14	(2) TAX RELIEF				
15	(b) Claim of right credit	GPR	S	-0-	-0-
16	(bm) Film production services credit	GPR	S	250,000	750,000
17	(br) Interest payments on				
18	overassessments of manufacturing				
19	property	GPR	S	10,000	10,000
20	(c) Homestead tax credit	GPR	S	118,700,000	119,400,000

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ci) Development zones investment				
2	credit	GPR	S	-0-	-0-
3	(cL) Development zones location credit	GPR	S	-0-	-0-
4	(cm) Development zones jobs credit	GPR	S	-0-	-0-
5	(cn) Development zones sales tax credit	GPR	S	-0-	-0-
6	(co) Enterprise zone jobs credit	GPR	S	1,625,000	6,500,000
7	(d) Farmers' drought property tax				
8	credit	GPR	S	-0-	-0-
9	(dm) Farmland preservation credit	GPR	S	12,600,000	12,800,000
10	(dn) Farmland tax relief credit	GPR	S	-0-	-0-
11	(em) Veterans and surviving spouses				
12	property tax credit	GPR	S	3,491,000	3,663,000
13	(ep) Cigarette and tobacco product tax				
14	refunds	GPR	S	22,500,000	22,400,000
15	(f) Earned income tax credit	GPR	S	56,935,300	65,653,300
16	(ka) Farmland tax relief credit; Indian				
17	gaming receipts	PR-S	C	-0-	-0-
18	(kf) Earned income tax credit;				
19	temporary assistance for needy				
20	families	PR-S	A	30,616,700	25,004,700
21	(q) Farmland tax relief credit	SEG	S	15,000,000	15,000,000
22	(r) Earned income tax credit; utility				
23	public benefits	SEG	A	-0-	-0-
(2) PROGRAM TOTALS					
GENERAL PURPOSE REVENUES				216,111,300	231,176,300

SENATE BILL 40**SECTION 177**

STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
	PROGRAM REVENUE			30,616,700	25,004,700
	SERVICE			(30,616,700)	(25,004,700)
	SEGREGATED FUNDS			15,000,000	15,000,000
	OTHER			(15,000,000)	(15,000,000)
	TOTAL-ALL SOURCES			261,728,000	271,181,000
1	(3) STATE PROPERTY TAX CREDITS				
2	(b) School levy tax credit and first				
3	dollar credit	GPR	S	593,050,000	593,050,000
4	(q) Lottery and gaming credit	SEG	S	125,746,700	125,421,200
5	(s) Lottery and gaming credit; late				
6	applications	SEG	S	240,700	240,700
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			593,050,000	593,050,000
	SEGREGATED FUNDS			125,987,400	125,661,900
	OTHER			(125,987,400)	(125,661,900)
	TOTAL-ALL SOURCES			719,037,400	718,711,900
7	(4) COUNTY AND LOCAL TAXES				
8	(g) County taxes	PR	C	-0-	-0-
9	(gb) Special district taxes	PR	C	-0-	-0-
10	(gd) Premier resort area tax	PR	C	-0-	-0-
11	(ge) Local professional football stadium				
12	district taxes	PR	C	-0-	-0-
13	(gg) Local taxes	PR	C	-0-	-0-
14	(gh) Regional transit authority fees	PR	C	-0-	-0-
	(4) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
15	(5) PAYMENTS IN LIEU OF TAXES				

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(a) Payments for municipal services	GPR	A	21,998,800	21,998,800
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			21,998,800	21,998,800
	TOTAL-ALL SOURCES			21,998,800	21,998,800
	20.835 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			1,740,556,900	1,762,436,500
	PROGRAM REVENUE			30,616,700	25,004,700
	OTHER			(-0-)	(-0-)
	SERVICE			(30,616,700)	(25,004,700)
	SEGREGATED FUNDS			247,041,900	255,849,400
	OTHER			(247,041,900)	(255,849,400)
	TOTAL-ALL SOURCES			2,018,215,500	2,043,290,600
2	20.855 Miscellaneous appropriations				
3	(1) CASH MANAGEMENT EXPENSES; INTEREST AND PRINCIPAL REPAYMENT				
4	(a) Obligation on operating notes	GPR	S	11,725,000	11,200,000
5	(b) Operating note expenses	GPR	S	350,000	350,000
6	(bm) Payment of cancelled drafts	GPR	S	1,275,000	1,275,000
7	(c) Interest payments to program				
8	revenue accounts	GPR	S	-0-	-0-
9	(d) Interest payments to segregated				
10	funds	GPR	S	-0-	-0-
11	(dm) Interest reimbursements to federal				
12	government	GPR	S	-0-	-0-
13	(e) Interest on prorated local				
14	government payments	GPR	S	-0-	-0-
15	(gm) Payment of cancelled drafts;				
16	program revenues	PR	S	-0-	-0-
17	(q) Redemption of operating notes	SEG	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(r) Interest payments to general fund	SEG	S	-0-	-0-
2	(rm) Payment of cancelled drafts;				
3	segregated revenues	SEG	S	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			13,350,000	12,825,000
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			13,350,000	12,825,000
4	(3) CAPITOL RENOVATION EXPENSES				
5	(b) Capitol restoration and relocation				
6	planning	GPR	B	-0-	-0-
7	(c) Historically significant furnishings	GPR	B	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
8	(4) TAX, ASSISTANCE AND TRANSFER PAYMENTS				
9	(a) Interest on overpayment of taxes	GPR	S	4,500,000	2,500,000
10	(am) Great Lakes protection fund				
11	contribution	GPR	C	-0-	-0-
12	(b) Election campaign payments	GPR	S	250,000	250,000
13	(bm) Oil pipeline terminal tax				
14	distribution	GPR	S	1,167,000	1,255,000
15	(c) Minnesota income tax reciprocity	GPR	S	68,559,500	74,044,300
16	(ca) Minnesota income tax reciprocity				
17	bench mark	GPR	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(cm) Illinois income tax reciprocity	GPR	S	37,108,700	39,706,300
2	(cn) Illinois income tax reciprocity				
3	bench mark	GPR	A	-0-	-0-
4	(co) Illinois income tax reciprocity, 1998				
5	and 1999	GPR	A	-0-	-0-
6	(e) Transfer to conservation fund; land				
7	acquisition reimbursement	GPR	S	233,800	153,300
8	(fm) Transfer to the transportation fund;				
9	hub facility exemptions	GPR	S	1,953,300	1,953,300
10	(q) Terminal tax distribution	SEG	S	1,380,200	1,458,900
11	(r) Petroleum allowance	SEG	S	360,000	360,000
12	(rm) Supplemental title fee transfer	SEG	S	12,773,000	13,626,400
13	(s) Transfer to conservation fund;				
14	motorboat formula	SEG	S	13,993,700	14,274,000
15	(t) Transfer to conservation fund;				
16	snowmobile formula	SEG	S	4,713,500	4,760,600
17	(u) Transfer to conservation fund;				
18	all-terrain vehicle formula	SEG	S	1,881,000	1,973,700
19	(vm) Transfer to affordable housing trust				
20	fund	SEG	A	4,000,000	4,000,000
21	(w) Transfer to transportation fund;				
22	petroleum inspection fund	SEG	A	6,321,700	6,321,700
(4) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			113,772,300	119,862,200
	SEGREGATED FUNDS			45,423,100	46,775,300

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
	OTHER			(45,423,100)	(46,775,300)
	TOTAL-ALL SOURCES			159,195,400	166,637,500
1	(5) STATE HOUSING AUTHORITY RESERVE FUND				
2	(a) Enhancement of credit of authority				
3	debt	GPR	A	-0-	-0-
	(5) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
4	(6) MISCELLANEOUS RECEIPTS				
5	(g) Gifts and grants	PR	C	-0-	-0-
6	(h) Vehicle and aircraft receipts	PR	A	-0-	-0-
7	(i) Miscellaneous program revenue	PR	A	-0-	-0-
8	(j) Custody accounts	PR	C	-0-	-0-
9	(k) Aids to individuals and				
10	organizations	PR-S	C	-0-	-0-
11	(ka) Local assistance	PR-S	C	-0-	-0-
12	(m) Federal aid	PR-F	C	-0-	-0-
13	(pz) Indirect cost reimbursements	PR-F	C	-0-	-0-
	(6) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
14	(8) MARQUETTE UNIVERSITY				

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(a) Dental clinic and educ facility;				
2	principal repayment, interest &				
3	rebates	GPR	S	997,800	992,800
	(8) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			997,800	992,800
	TOTAL-ALL SOURCES			997,800	992,800
4	(9) STATE CAPITOL RENOVATION AND RESTORATION				
5	(a) South wing renovation and				
6	restoration	GPR	C	-0-	-0-
	(9) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
	20.855 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			128,120,100	133,680,000
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			45,423,100	46,775,300
	OTHER			(45,423,100)	(46,775,300)
	TOTAL-ALL SOURCES			173,543,200	180,455,300
7	20.865 Program supplements				
8	(1) EMPLOYEE COMPENSATION AND SUPPORT				
9	(a) Judgments, legal expenses and				
10	worker's compensation benefits	GPR	S	46,700	46,700
11	(c) Compensation and related				
12	adjustments	GPR	S	-0-	-0-
13	(ci) Nonrepresented university system				
14	faculty and academic pay				
15	adjustments	GPR	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(cj) Pay adjustments for certain				
2	university employees	GPR	A	-0-	-0-
3	(cm) Represented university system				
4	faculty and academic staff pay				
5	adjustments	GPR	S	-0-	-0-
6	(d) Employer fringe benefit costs	GPR	S	-0-	-0-
7	(e) Additional biweekly payroll	GPR	A	-0-	-0-
8	(em) Financial and procurement services	GPR	A	-0-	-0-
9	(fm) Risk management	GPR	A	-0-	-0-
10	(fn) Physically handicapped				
11	supplements	GPR	A	6,800	6,800
12	(g) Judgments and legal expenses;				
13	program revenues	PR	S	-0-	-0-
14	(i) Compensation and related				
15	adjustments; program revenues	PR	S	-0-	-0-
16	(ic) Nonrepresented university system				
17	faculty and academic pay				
18	adjustments	PR	S	-0-	-0-
19	(im) Represented university system				
20	faculty and academic staff pay				
21	adjustments	PR	S	-0-	-0-
22	(j) Employer fringe benefit costs;				
23	program revenues	PR	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(jm) Additional biweekly payroll;				
2	nonfederal program revenue	PR	S	-0-	-0-
3	(js) Financial and procurement				
4	services; program revenues	PR	S	-0-	-0-
5	(kr) Risk management; program				
6	revenues	PR-S	S	-0-	-0-
7	(Ln) Physically handicapped				
8	supplements; program revenues	PR	S	-0-	-0-
9	(m) Additional biweekly payroll; federal				
10	program revenues	PR-F	S	-0-	-0-
11	(q) Judgments and legal expenses;				
12	segregated revenues	SEG	S	-0-	-0-
13	(s) Compensation and related				
14	adjustments; segregated revenues	SEG	S	-0-	-0-
15	(si) Nonrepresented university system				
16	faculty and academic pay				
17	adjustments	SEG	S	-0-	-0-
18	(sm) Represented university system				
19	faculty and academic staff pay				
20	adjustments	SEG	S	-0-	-0-
21	(t) Employer fringe benefit costs;				
22	segregated revenues	SEG	S	-0-	-0-
23	(tm) Additional biweekly payroll;				
24	nonfederal segregated revenues	SEG	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(ts) Financial and procurement				
2	services; segregated revenues	SEG	S	-0-	-0-
3	(ur) Risk management; segregated				
4	revenues	SEG	S	-0-	-0-
5	(vn) Physically handicapped				
6	supplements; segregated revenues	SEG	S	-0-	-0-
7	(x) Additional biweekly payroll; federal				
8	segregated revenues	SEG-F	S	-0-	-0-
(1) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			53,500	53,500
	PROGRAM REVENUE			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			53,500	53,500
9	(2) STATE PROGRAMS AND FACILITIES				
10	(a) Private facility rental increases	GPR	A	902,400	1,374,100
11	(ag) State-owned office rent supplement	GPR	A	1,851,800	1,851,800
12	(am) Space management and child care	GPR	A	-0-	-0-
13	(d) State deposit fund	GPR	S	-0-	-0-
14	(e) Maintenance of capitol and				
15	executive residence	GPR	A	5,337,400	5,337,400
16	(eb) Executive residence furnishings				
17	replacement	GPR	C	12,000	12,000
18	(em) Groundwater survey and analysis	GPR	A	216,100	216,100

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(g) Private facility rental increases;				
2	program revenues	PR	S	-0-	-0-
3	(gg) State-owned office rent				
4	supplements; program revenues	PR	S	-0-	-0-
5	(gm) Space management and child care;				
6	program revenues	PR	S	-0-	-0-
7	(i) Integrated business information				
8	system; program revenues	PR-S	S	-0-	-0-
9	(j) State deposit fund; program				
10	revenues	PR	S	-0-	-0-
11	(L) Data processing and				
12	telecommunications study; program				
13	revenues	PR-S	S	-0-	-0-
14	(q) Private facility rental increases;				
15	segregated revenues	SEG	S	-0-	-0-
16	(qg) State-owned office rent				
17	supplements; segregated revenues	SEG	S	-0-	-0-
18	(qm) Space management and child care;				
19	segregated revenues	SEG	S	-0-	-0-
20	(r) Integrated business information				
21	system; segregated revenues	SEG-S	S	-0-	-0-
22	(t) State deposit fund; segregated				
23	revenues	SEG	S	-0-	-0-
(2) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			8,319,700	8,791,400
	PROGRAM REVENUE			-0-	-0-

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			8,319,700	8,791,400
1	(3) TAXES AND SPECIAL CHARGES				
2	(a) Property taxes	GPR	S	-0-	-0-
3	(g) Property taxes; program revenues	PR	S	-0-	-0-
4	(i) Payments for municipal services;				
5	program revenues	PR	S	-0-	-0-
6	(q) Property taxes; segregated				
7	revenues	SEG	S	-0-	-0-
8	(s) Payments for municipal services;				
9	segregated revenues	SEG	S	-0-	-0-
	(3) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
10	(4) JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
11	(a) General purpose revenue funds				
12	general program supplementation	GPR	B	600,000	600,000
13	(g) Program revenue funds general				
14	program supplementation	PR	S	815,300	815,300

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(gm) Wisconsin advanced				
2	telecommunications foundation				
3	funds supplementation	PR	C	-0-	-0-
4	(k) Public assistance programs				
5	supplementation	PR-S	C	-0-	-0-
6	(m) Federal funds general program				
7	supplementation	PR-F	C	-0-	-0-
8	(u) Segregated funds general program				
9	supplementation	SEG	S	-0-	-0-
	(4) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			600,000	600,000
	PROGRAM REVENUE			815,300	815,300
	FEDERAL			(-0-)	(-0-)
	OTHER			(815,300)	(815,300)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			1,415,300	1,415,300
10	(8) SUPPLEMENTATION OF PGM REV & PGM REV-SVC APPNS FROM PUBLIC EMP TRUST FUND				
11	(g) Supplementation of program				
12	revenue and program rev.-service				
13	appropriations	PR	S	-0-	-0-
14	(s) Supplementation of appropriations				
15	from the public employee trust fund	SEG	S	-0-	-0-
	(8) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.865 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			8,973,200	9,444,900

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STATUTE, AGENCY AND PURPOSE		SOURCE	TYPE	2007-08	2008-09
	PROGRAM REVENUE			815,300	815,300
	FEDERAL			(-0-)	(-0-)
	OTHER			(815,300)	(815,300)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			-0-	-0-
	FEDERAL			(-0-)	(-0-)
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	TOTAL-ALL SOURCES			9,788,500	10,260,200
1	20.866 Public debt				
2	(1) BOND SECURITY AND REDEMPTION FUND				
3	(u) Principal repayment and interest	SEG	S	-0-	-0-
	20.866 DEPARTMENT TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
4	20.867 Building commission				
5	(1) STATE OFFICE BUILDINGS				
6	(a) Principal repayment and interest;				
7	housing of state agencies	GPR	S	-0-	-0-
8	(b) Principal repayment and interest;				
9	capitol and executive residence	GPR	S	10,778,800	10,522,900
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			10,778,800	10,522,900
	TOTAL-ALL SOURCES			10,778,800	10,522,900
10	(2) ALL STATE-OWNED FACILITIES				
11	(b) Asbestos removal	GPR	A	-0-	-0-
12	(c) Hazardous materials removal	GPR	A	-0-	-0-
13	(f) Facilities preventive maintenance	GPR	A	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(q) Building trust fund	SEG	C	-0-	-0-
2	(r) Planning and design	SEG	C	-0-	-0-
3	(u) Aids for buildings	SEG	C	-0-	-0-
4	(v) Building program funding				
5	contingency	SEG	C	-0-	-0-
6	(w) Building program funding	SEG	C	-0-	-0-
	(2) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
7	(3) STATE BUILDING PROGRAM				
8	(a) Principal repayment and interest	GPR	S	25,455,200	41,372,000
9	(b) Principal repayment and interest	GPR	S	2,009,200	2,786,700
10	(bm) Principal repayment, interest, and				
11	rebates; HR academy, inc.	GPR	S	112,800	116,300
12	(bp) Principal repayment, interest and				
13	rebates	GPR	S	-0-	30,000
14	(bq) Principal repayment, interest and				
15	rebates; children's research				
16	institute	GPR	S	772,100	806,300
17	(br) Principal repayment, interest and				
18	rebates	GPR	S	86,100	84,400
19	(bt) Principal repayment, interest, and				
20	rebates; discovery place museum	GPR	S	-0-	30,000
21	(c) Lease rental payments	GPR	S	-0-	-0-

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
1	(d) Interest rebates on obligation				
2	proceeds; general fund	GPR	S	-0-	-0-
3	(e) Principal repayment, interest and				
4	rebates; parking ramp	GPR	S	-0-	-0-
5	(g) Principal repayment, interest and				
6	rebates; program revenues	PR	S	-0-	-0-
7	(h) Principal repayment, interest and				
8	rebates	PR	S	-0-	-0-
9	(i) Principal repayment, interest and				
10	rebates; capital equipment	PR	S	-0-	-0-
11	(k) Interest rebates on obligation				
12	proceeds; program revenues	PR-S	C	-0-	-0-
13	(q) Principal repayment and interest;				
14	segregated revenues	SEG	S	-0-	-0-
15	(r) Interest rebates on obligation				
16	proceeds; conservation fund	SEG	S	-0-	-0-
17	(s) Interest rebates on obligation				
18	proceeds; transportation fund	SEG	S	-0-	-0-
19	(t) Interest rebates on obligation				
20	proceeds; veterans trust fund	SEG	S	-0-	-0-
21	(w) Bonding services	SEG	S	1,024,200	1,024,200
(3) PROGRAM TOTALS					
	GENERAL PURPOSE REVENUES			28,435,400	45,225,700
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			1,024,200	1,024,200

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	STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
	OTHER			(1,024,200)	(1,024,200)
	TOTAL-ALL SOURCES			29,459,600	46,249,900
1	(4) CAPITAL IMPROVEMENT FUND INTEREST EARNINGS				
2	(q) Funding in lieu of borrowing	SEG	C	-0-	-0-
3	(r) Interest on veterans obligations	SEG	C	-0-	-0-
	(4) PROGRAM TOTALS				
	SEGREGATED FUNDS			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
4	(5) SERVICES TO NONSTATE GOVERNMENTAL UNITS				
5	(g) Financial consulting services	PR	C	-0-	-0-
	(5) PROGRAM TOTALS				
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	TOTAL-ALL SOURCES			-0-	-0-
	20.867 DEPARTMENT TOTALS				
	GENERAL PURPOSE REVENUES			39,214,200	55,748,600
	PROGRAM REVENUE			-0-	-0-
	OTHER			(-0-)	(-0-)
	SERVICE			(-0-)	(-0-)
	SEGREGATED FUNDS			1,024,200	1,024,200
	OTHER			(1,024,200)	(1,024,200)
	TOTAL-ALL SOURCES			40,238,400	56,772,800
6	20.875 Budget stabilization fund				
7	(1) TRANSFERS TO FUND				
8	(a) General fund transfer	GPR	S	-0-	-0-
	(1) PROGRAM TOTALS				
	GENERAL PURPOSE REVENUES			-0-	-0-
	TOTAL-ALL SOURCES			-0-	-0-
9	(2) TRANSFERS FROM FUND				
10	(q) Budget stabilization fund transfer	SEG	A	-0-	-0-

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SECTION 177

STATUTE, AGENCY AND PURPOSE	SOURCE	TYPE	2007-08	2008-09
(2) PROGRAM TOTALS				
SEGREGATED FUNDS			-0-	-0-
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
20.875 DEPARTMENT TOTALS				
GENERAL PURPOSE REVENUES			-0-	-0-
SEGREGATED FUNDS			-0-	-0-
OTHER			(-0-)	(-0-)
TOTAL-ALL SOURCES			-0-	-0-
General Appropriations FUNCTIONAL AREA TOTALS				
GENERAL PURPOSE REVENUES			1,916,864,400	1,961,310,000
PROGRAM REVENUE			31,432,000	25,820,000
FEDERAL			(-0-)	(-0-)
OTHER			(815,300)	(815,300)
SERVICE			(30,616,700)	(25,004,700)
SEGREGATED FUNDS			293,489,200	303,648,900
FEDERAL			(-0-)	(-0-)
OTHER			(293,489,200)	(303,648,900)
SERVICE			(-0-)	(-0-)
LOCAL			(-0-)	(-0-)
TOTAL-ALL SOURCES			2,241,785,600	2,290,778,900
STATE TOTAL			28,419,605,300	29,307,161,700
GENERAL PURPOSE REVENUES			13,442,121,400	13,800,410,300
PROGRAM REVENUE			10,490,895,700	10,875,902,700
FEDERAL			(6,434,556,600)	(6,671,373,100)
OTHER			(3,241,223,100)	(3,353,389,900)
SERVICE			(815,116,000)	(851,139,700)
SEGREGATED FUNDS			4,486,588,200	4,630,848,700
FEDERAL			(821,403,300)	(827,648,500)
OTHER			(3,354,979,900)	(3,490,313,800)
SERVICE			(204,037,400)	(205,694,700)
LOCAL			(106,167,600)	(107,191,700)

1

2

SECTION 178. 20.115 (1) (d) of the statutes is repealed.

3

SECTION 179. 20.115 (1) (k) of the statutes is repealed.

4

SECTION 180. 20.115 (2) (d) of the statutes is amended to read:

5

20.115 **(2)** (d) *Principal repayment and interest.* A sum sufficient to reimburse

6

s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing

SENATE BILL 40**SECTION 180**

1 the acquisition, construction, development, enlargement or improvement of
2 department facilities and, to make the payments determined by the building
3 commission under s. 13.488 (1) (m) that are attributable to the proceeds of
4 obligations incurred in financing this acquisition, construction, development,
5 enlargement, or improvement, and to make payments under an agreement or
6 ancillary arrangement entered into under s. 18.06 (8) (a).

7 **SECTION 181.** 20.115 (3) (title) of the statutes is amended to read:

8 20.115 (3) (title) MARKETING AGRICULTURAL DEVELOPMENT SERVICES.

9 **SECTION 182.** 20.115 (3) (g) of the statutes is amended to read:

10 20.115 (3) (g) *Related services.* The amounts in the schedule for the conduct of
11 authorized marketing agricultural development services. All moneys received from
12 authorized fees related to marketing agricultural development services shall be
13 credited to this appropriation account.

14 **SECTION 183.** 20.115 (3) (ja) of the statutes is amended to read:

15 20.115 (3) (ja) *Marketing Agricultural development services and materials.* All
16 moneys received from publication sales and service fees authorized by law that are
17 related to marketing agricultural development, for the publication of informational
18 materials and the provision of services related to marketing agricultural
19 development.

20 **SECTION 184.** 20.115 (4) (c) of the statutes is amended to read:

21 20.115 (4) (c) *Agricultural investment aids.* Biennially, the amounts in the
22 schedule for agricultural research and development grants under s. 93.46 (2) ~~and (3)~~
23 and sustainable agriculture grants under s. 93.47.

24 **SECTION 185.** 20.115 (4) (d) of the statutes is repealed.

25 **SECTION 186.** 20.115 (4) (r) of the statutes is repealed.

SENATE BILL 40**SECTION 187**

1 **SECTION 187.** 20.115 (4) (t) of the statutes is created to read:

2 20.115 (4) (t) *Anaerobic digester research and development.* Biennially, from
3 the recycling fund, the amounts in the schedule for anaerobic digester research and
4 development under s. 93.43.

5 **SECTION 188.** 20.115 (7) (b) of the statutes is amended to read:

6 20.115 (7) (b) *Principal repayment and interest, conservation reserve*
7 *enhancement.* A sum sufficient to reimburse s. 20.866 (1) (u) for the principal and
8 interest costs incurred in financing the conservation reserve enhancement program
9 under s. 20.866 (2) (wf) ~~and~~, to make the payments determined by the building
10 commission under s. 13.488 (1) (m) that are attributable to the proceeds of
11 obligations incurred in financing those projects, and to make payments under an
12 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

13 **SECTION 189.** 20.115 (7) (d) of the statutes is repealed.

14 **SECTION 190.** 20.115 (7) (e) of the statutes is repealed.

15 **SECTION 191.** 20.115 (7) (f) of the statutes is amended to read:

16 20.115 (7) (f) *Principal repayment and interest; soil and water.* A sum sufficient
17 to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
18 in providing funds for soil and water resource management projects under s. 92.14
19 ~~and~~, to make the payments determined by the building commission under s. 13.488
20 (1) (m) that are attributable to the proceeds of obligations incurred in financing those
21 projects, and to make payments under an agreement or ancillary arrangement
22 entered into under s. 18.06 (8) (a).

23 **SECTION 192.** 20.115 (7) (s) of the statutes is amended to read:

24 20.115 (7) (s) *Principal repayment and interest; soil and water; environmental*
25 *fund.* From the environmental fund, the amounts in the schedule for the payment

SENATE BILL 40

1 of principal and interest costs incurred in providing funds for soil and water resource
2 management projects under s. 92.14 ~~and~~, to make the payments determined by the
3 building commission under s. 13.488 (1) (m) that are attributable to the proceeds of
4 obligations incurred in financing those projects, and to make payments under an
5 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

6 **SECTION 193.** 20.115 (7) (ue) of the statutes is repealed.

7 **SECTION 194.** 20.115 (7) (wm) of the statutes is amended to read:

8 20.115 (7) (wm) *Agricultural chemical cleanup reimbursement.* From the
9 agricultural chemical cleanup fund, as a continuing appropriation, the amounts in
10 the schedule for reimbursement of corrective action costs under s. 94.73 and for
11 financial assistance to prevent pollution from agricultural chemicals under s. 94.74.

12 **SECTION 195.** 20.143 (1) (c) of the statutes is amended to read:

13 20.143 (1) (c) *Wisconsin development fund; grants, loans, reimbursements, and*
14 *assistance.* Biennially, the amounts in the schedule for grants under ~~ss. 560.145,~~
15 ~~560.16, 560.175, and 560.26~~ ss. 560.24, subject to s. 560.24 (3), and 560.251; for
16 grants and loans under ~~ss. s. 560.275 (2), 560.62, 560.63, and 560.66; for loans under~~
17 ~~s. 560.147~~ and subch. V of ch. 560; for reimbursements under s. 560.167; for providing
18 assistance under s. 560.06; for the costs specified in s. 560.607; for the loan under
19 1999 Wisconsin Act 9, section 9110 (4); for the grants under 1995 Wisconsin Act 27,
20 section 9116 (7gg), 1995 Wisconsin Act 119, section 2 (1), 1997 Wisconsin Act 27,
21 section 9110 (6g), 1999 Wisconsin Act 9, section 9110 (5), and 2003 Wisconsin Act 33,
22 section 9109 (1d) and (2q); and for providing up to \$100,000 annually for the
23 continued development of a manufacturing and advanced technology training center
24 in Racine. Of the amounts in the schedule, \$50,000 shall be allocated in each of fiscal
25 years 1997–98 and 1998–99 for providing the assistance under s. 560.06 (1).

SENATE BILL 40**SECTION 195**

1 Notwithstanding ~~s. 560.607~~, of the amounts in the schedule, \$125,000 shall be
2 allocated in each of 4 consecutive fiscal years, beginning with fiscal year 1998–99,
3 for grants and loans under ~~s. 560.62 (1) (a)~~.

4 **SECTION 196.** 20.143 (1) (cm) of the statutes is created to read:

5 20.143 (1) (cm) *Economic development advertising, marketing, and promotion.*

6 The amounts in the schedule for advertising, marketing, and promotional activities
7 within the United States for economic development of, and business recruitment to,
8 this state.

9 **SECTION 197.** 20.143 (1) (fi) of the statutes is created to read:

10 20.143 (1) (fi) *Wisconsin Venture Center.* The amounts in the schedule for the
11 grants specified in s. 560.20 (1) (b) and (3).

12 **SECTION 198.** 20.143 (1) (ie) of the statutes is amended to read:

13 20.143 (1) (ie) *Wisconsin development fund, repayments.* All moneys received
14 in repayment of grants or loans under s. 560.085 (4) (b), 1985 stats., ~~s. ss. 560.126~~
15 ~~and 560.147, 2005 stats., s. 560.16, 1995 stats., s. 560.165, 1993 stats., s. ss. 560.251~~
16 ~~and 560.275 (2), 2005 stats., s. 560.62, 2005 stats., s. 560.63, 2005 stats., s. 560.66,~~
17 ~~2005 stats., subch. V of ch. 560 except s. 560.65, and 1989 Wisconsin Act 336, section~~
18 ~~3015 (1m), 1989 Wisconsin Act 336, section 3015 (2m), 1989 Wisconsin Act 336,~~
19 ~~section 3015 (3gx), 1997 Wisconsin Act 27, section 9110 (7f), 1997 Wisconsin Act 310,~~
20 ~~section 2 (2d), and 1999 Wisconsin Act 9, section 9110 (4), to be used for grants and~~
21 ~~loans under s. ss. 560.126 and 560.275 (2) and subch. V of ch. 560 except s. 560.65,~~
22 ~~for loans under s. 560.147, for grants under ss. 560.16 and 560.175 s. 560.251, for~~
23 ~~assistance under s. 560.06 (2), for the loan under 1999 Wisconsin Act 9, section 9110~~
24 (4), for the grant under 2001 Wisconsin Act 16, section 9110 (7g), for the grants under

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1 2003 Wisconsin Act 33, section 9109 (1d) and (2q), and for reimbursements under s.
2 560.167.

3 **SECTION 199.** 20.143 (1) (tm) of the statutes is created to read:

4 20.143 (1) (tm) *Wisconsin development fund grants and loans; recycling fund.*

5 Biennially, from the recycling fund, the amounts in the schedule for grants and loans
6 under ss. 560.126 and 560.61 and for grants under 2007 Wisconsin Act (this act),
7 section 9108 (2).

8 **SECTION 200.** 20.143 (1) (um) of the statutes is created to read:

9 20.143 (1) (um) *Wisconsin development fund, administration; recycling fund.*

10 From the recycling fund, the amounts in the schedule for administering the
11 programs under s. 560.126 and subch. V of ch. 560.

12 **SECTION 201.** 20.143 (2) (gm) of the statutes is created to read:

13 20.143 (2) (gm) *Housing grants and loans; surplus transfer.* Biennially, the
14 amounts in the schedule for grants and loans under s. 560.9803 and for grants under
15 s. 560.9805. All moneys received from the Wisconsin Housing and Economic
16 Development Authority under s. 234.165 (3) shall be credited to this appropriation
17 account.

18 **SECTION 202.** 20.143 (2) (gm) of the statutes, as created by 2007 Wisconsin Act
19 (this act), is repealed.

20 **SECTION 203.** 20.143 (2) (r) of the statutes is created to read:

21 20.143 (2) (r) *Housing grants and loans; affordable housing trust fund.*

22 Biennially, from the affordable housing trust fund, the amounts in the schedule for
23 grants and loans under s. 560.9803 and for grants under s. 560.9805.

24 **SECTION 204.** 20.143 (2) (s) of the statutes is created to read:

SENATE BILL 40**SECTION 204**

1 20.143 (2) (s) *Payments to designated agents; affordable housing trust fund.*
2 From the affordable housing trust fund, the amounts in the schedule for payments
3 for services provided by agents designated under s. 560.9804 (2), in accordance with
4 agreements entered into under s. 560.9804 (1).

5 **SECTION 205.** 20.143 (2) (t) of the statutes is created to read:

6 20.143 (2) (t) *Shelter for homeless and transitional housing grants; affordable*
7 *housing trust fund.* From the affordable housing trust fund, the amounts in the
8 schedule for transitional housing grants under s. 560.9806 and for grants to agencies
9 and shelter facilities for homeless individuals and families as provided under s.
10 560.9808. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may
11 transfer funds between fiscal years under this paragraph. All funds allocated but
12 not encumbered by December 31 of each year lapse to the affordable housing trust
13 fund on the next January 1 unless transferred to the next calendar year by the joint
14 committee on finance.

15 **SECTION 206.** 20.143 (2) (u) of the statutes is created to read:

16 20.143 (2) (u) *Mental health for homeless individuals; affordable housing trust*
17 *fund.* From the affordable housing trust fund, the amounts in the schedule for
18 mental health services for homeless individuals under s. 560.9811.

19 **SECTION 207.** 20.143 (3) (t) of the statutes is amended to read:

20 20.143 (3) (t) *Petroleum inspection fund — revenue obligation repayment.*
21 From the petroleum inspection fund, a sum sufficient to repay the fund in the state
22 treasury created under s. 18.57 (1), or the separate and distinct fund outside the state
23 treasury under s. 18.562 (3), the amount needed to retire revenue obligations issued
24 under subch. II or IV of ch. 18, as authorized under s. 101.143 (9m), and to make

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1 payments under an agreement or ancillary arrangement entered into under s. 18.55
2 (6) with respect to revenue obligations issued under s. 101.143 (9m).

3 **SECTION 208.** 20.143 (3) (u) of the statutes is amended to read:

4 20.143 (3) (u) *Revenue obligation debt service — petroleum inspection fund.*

5 From the fund in the state treasury created under s. 18.57 (1), all moneys received
6 by the fund for the purpose of the retirement of revenue obligations, providing for
7 reserves and for operations relating to the management and retirement of revenue
8 obligations issued under subch. II or IV of ch. 18, as authorized under s. 101.143 (9m),
9 and to make payments under an agreement or ancillary arrangement entered into
10 under s. 18.55 (6) with respect to revenue obligations issued under s. 101.143 (9m).

11 All moneys received by the fund are irrevocably appropriated in accordance with
12 subch. II of ch. 18 and further established in resolutions authorizing the issuance of
13 the revenue obligations and setting forth the distribution of funds to be received
14 thereafter. Estimated disbursements under this paragraph shall not be included in
15 the schedule under s. 20.005.

16 **SECTION 209.** 20.143 (3) (v) of the statutes is amended to read:

17 20.143 (3) (v) *Petroleum storage environmental remedial action; awards.*

18 Biennially, from the petroleum inspection fund, the amounts in the schedule to pay
19 awards under s. 101.143, costs incurred under s. 101.1435, legal costs incurred under
20 s. 101.143 (7m), amounts to reduce principal of outstanding revenue obligations
21 issued pursuant to s. 101.143 (9m) and, if the department promulgates rules under
22 s. 101.143 (2) (i) (em) 1., to purchase, or provide funding to purchase, insurance
23 described in s. 101.143 (2) (i) (em) 2.

24 **SECTION 210.** 20.145 (1) (g) of the statutes is renumbered 20.145 (1) (g) (intro.)

25 and amended to read:

SENATE BILL 40**SECTION 210**

1 20.145 (1) (g) *General program operations.* (intro.) The amounts in the
2 schedule for general program operations, including organizational support services.
3 All of the following shall be credited to this appropriation account:

4 1. Ninety percent of all moneys received under ss. 601.31, 601.32, 601.42 (7),
5 601.45, and 601.47 and by the commissioner for expenses related to insurance
6 company restructurings, except for restructurings specified in par. (h), ~~shall be~~
7 ~~credited to this appropriation account.~~

8 **SECTION 211.** 20.145 (1) (g) 2. of the statutes is created to read:

9 20.145 (1) (g) 2. All moneys received under s. 655.27 (2) from the injured
10 patients and families compensation fund and under s. 604.04 (3) from the local
11 government property insurance fund and the state life insurance fund as payment
12 for organizational support services.

13 **SECTION 212.** 20.145 (1) (k) of the statutes is repealed.

14 **SECTION 213.** 20.145 (5) of the statutes is repealed.

15 **SECTION 214.** 20.147 of the statutes is created to read:

16 **20.147 Healthy Wisconsin Authority.** There is appropriated, from the
17 health care quality fund, to the Healthy Wisconsin Authority for the following
18 program:

19 **(1) INITIAL AND OPERATING COSTS.** (q) *Establishment and operation.* As a
20 continuing appropriation, the amounts in the schedule for the establishment of the
21 Healthy Wisconsin Authority and for its operating costs.

22 **SECTION 215.** 20.155 (3) (title) of the statutes is repealed and recreated to read:

23 20.155 **(3)** (title) AFFILIATED GRANT PROGRAMS.

24 **SECTION 216.** 20.155 (3) (q) of the statutes is amended to read:

SENATE BILL 40**SECTION 216**

1 20.155 (3) (q) *General program operations and grants.* From the wireless 911
2 fund, all moneys received under s. 146.70 (3m) (f) 1. to administer and make grants
3 under s. 146.70 (3m) (d) and supplemental grants under s. 146.70 (3m) (e). No
4 moneys may be encumbered or expended from this appropriation after April 1, 2009.

5 **SECTION 217.** 20.155 (3) (s) of the statutes is created to read:

6 20.155 (3) (s) *Energy efficiency and renewable resource programs.* From the
7 utility public benefits fund, the amounts in the schedule for the costs of
8 administering s. 196.374. All moneys received under s. 196.374 (3) (b) 4. shall be
9 credited to this appropriation account.

10 **SECTION 218.** 20.190 (1) (c) of the statutes is amended to read:

11 20.190 (1) (c) *Housing facilities principal repayment, interest and rebates.* A
12 sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest
13 costs incurred in financing housing facilities at the state fair park in West Allis and,
14 to make the payments determined by the building commission under s. 13.488 (1) (m)
15 that are attributable to the proceeds of obligations incurred in financing these
16 facilities, and to make payments under an agreement or ancillary arrangement
17 entered into under s. 18.06 (8) (a).

18 **SECTION 219.** 20.190 (1) (d) of the statutes is amended to read:

19 20.190 (1) (d) *Principal repayment and interest.* A sum sufficient to reimburse
20 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
21 the acquisition, construction, development, enlargement, or improvement of park
22 facilities and, to make the payments determined by the building commission under
23 s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in
24 financing this acquisition, construction, development, enlargement, or

SENATE BILL 40**SECTION 219**

1 improvement, and to make payments under an agreement or ancillary arrangement
2 entered into under s. 18.06 (8) (a).

3 **SECTION 220.** 20.190 (1) (i) of the statutes is amended to read:

4 20.190 (1) (i) *State fair capital expenses.* The surplus of receipts transferred
5 from par. (h), to be used for the acquisition of land, the payment of construction costs,
6 including architectural and engineering services, furnishings, and equipment,
7 maintenance of state-owned housing and temporary financing necessary to provide
8 facilities for exposition purposes. The state fair park board may use moneys in this
9 appropriation to reimburse s. 20.866 (1) (u) for payment of principal and interest
10 costs incurred in financing state fair park facilities and to make payments under an
11 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

12 **SECTION 221.** 20.190 (1) (j) of the statutes is amended to read:

13 20.190 (1) (j) *State fair principal repayment, interest and rebates.* A sum
14 sufficient from revenues earned under par. (h) to reimburse s. 20.866 (1) (u) for the
15 payment of principal and interest costs incurred in financing state fair park facilities
16 and, to make the payments determined by the building commission under s. 13.488
17 (1) (m) that are attributable to the proceeds of obligations incurred in financing state
18 fair park facilities, and to make payments under an agreement or ancillary
19 arrangement entered into under s. 18.06 (8) (a).

20 **SECTION 222.** 20.225 (1) (c) of the statutes is amended to read:

21 20.225 (1) (c) *Principal repayment and interest.* A sum sufficient to reimburse
22 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
23 the acquisition, construction, development, enlargement or improvement of facilities
24 approved by the building commission for operation by the educational

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1 communications board and to make payments under an agreement or ancillary
2 arrangement entered into under s. 18.06 (8) (a).

3 **SECTION 223.** 20.225 (1) (i) of the statutes is amended to read:

4 20.225 (1) (i) *Program revenue facilities; principal repayment, interest, and*
5 *rebates.* A sum sufficient from gifts and grants to reimburse s. 20.866 (1) (u) for the
6 payment of principal and interest costs incurred in financing the acquisition,
7 construction, development, enlargement, or improvement of facilities approved by
8 the building commission for operation by the educational communications board
9 and, to make payments determined by the building commission under s. 13.488 (1)
10 (m) that are attributable to the proceeds of obligations incurred in financing the
11 facilities, and to make payments under an agreement or ancillary arrangement
12 entered into under s. 18.06 (8) (a).

13 **SECTION 224.** 20.235 (1) (fe) of the statutes is amended to read:

14 20.235 (1) (fe) *Wisconsin higher education grants; University of Wisconsin*
15 *System students.* A sum sufficient equal to \$45,057,200 \$50,000,000 in the 2005–06
16 2007–08 fiscal year, equal to \$39,280,600 \$55,000,000 in the 2006–07 2008–09 fiscal
17 year, and equal to the amount calculated under s. 39.435 (7) for the Wisconsin higher
18 education grant program under s. 39.435 for University of Wisconsin System
19 students, except for grants awarded under s. 39.435 (2) or (5), thereafter.

20 **SECTION 225.** 20.235 (1) (fm) of the statutes is created to read:

21 20.235 (1) (fm) *Wisconsin covenant scholars grants.* The amounts in the
22 schedule for Wisconsin covenant scholars grants under s. 39.437.

23 **SECTION 226.** 20.235 (1) (fz) of the statutes is created to read:

24 20.235 (1) (fz) *Remission of fees for veterans and dependents.* Biennially, the
25 amounts in the schedule to reimburse the Board of Regents of the University of

SENATE BILL 40**SECTION 226**

1 Wisconsin System and technical college district boards under s. 39.50 for fee
2 remissions made under ss. 36.27 (3n) or (3p) and 38.24 (7) or (8).

3 **SECTION 227.** 20.245 (1) (b) of the statutes is created to read:

4 20.245 (1) (b) *Wisconsin Black Historical Society and Museum.* The amounts
5 in the schedule for grants to the Wisconsin Black Historical Society and Museum
6 under s. 44.02 (28).

7 **SECTION 228.** 20.245 (1) (e) of the statutes is amended to read:

8 20.245 (1) (e) *Principal repayment, interest, and rebates.* A sum sufficient to
9 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
10 in financing the acquisition, construction, development, enlargement, or
11 improvement of facilities of the historical society; and for the payment of principal
12 and interest costs incurred in financing the acquisition and installation of systems
13 and equipment necessary to prepare historic records for transfer to new storage
14 facilities; and, to make the payments determined by the building commission under
15 s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in
16 financing this acquisition and installation, and to make payments under an
17 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

18 **SECTION 229.** 20.245 (1) (j) of the statutes is amended to read:

19 20.245 (1) (j) *Self-amortizing facilities; principal repayment, interest, and*
20 *rebates.* A sum sufficient from the revenues received under pars. (h) and (r) to
21 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
22 in financing the acquisition, construction, development, enlargement, or
23 improvement of facilities of the historical society and, to make the payments
24 determined by the building commission under s. 13.488 (1) (m) that are attributable
25 to the proceeds of obligations incurred in financing such facilities, and to make

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1 payments under an agreement or ancillary arrangement entered into under s. 18.06
2 (8) (a).

3 **SECTION 230.** 20.245 (1) (k) of the statutes is created to read:

4 20.245 (1) (k) *Storage facility.* The amounts in the schedule to support the
5 operation of a storage facility for the collections of the historical society. All moneys
6 transferred from the appropriation account under s. 20.505 (8) (hm) 4d. shall be
7 credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the
8 unencumbered balance on June 30 of each year shall revert to the appropriation
9 account under s. 20.505 (8) (hm).

10 **SECTION 231.** 20.245 (1) (kw) of the statutes is created to read:

11 20.245 (1) (kw) *Records management–service funds.* All moneys received from
12 other state agencies for planning activities relating to the management of public
13 records and other information in the possession of the historical society, the
14 management of those records and other information, and other program services
15 relating to those records and other information for those purposes.

16 **SECTION 232.** 20.250 (1) (c) of the statutes is amended to read:

17 20.250 (1) (c) *Principal repayment, interest, and rebates; biomedical research*
18 *and technology incubator.* A sum sufficient to reimburse s. 20.866 (1) (u) for the
19 payment of principal and interest costs incurred in financing the construction grants
20 under s. 13.48 (31), and to make the payments determined by the building
21 commission under s. 13.488 (1) (m) that are attributable to the proceeds of
22 obligations incurred in financing the construction grants under s. 13.48 (31), and to
23 make payments under an agreement or ancillary arrangement entered into under
24 s. 18.06 (8) (a).

25 **SECTION 233.** 20.250 (1) (e) of the statutes is amended to read:

SENATE BILL 40**SECTION 233**

1 20.250 (1) (e) *Principal repayment and interest.* A sum sufficient to reimburse
2 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in aiding the
3 construction of a basic science education facility and in aiding the funding of a health
4 information technology center and to make payments under an agreement or
5 ancillary arrangement entered into under s. 18.06 (8) (a).

6 **SECTION 234.** 20.250 (2) (b) of the statutes is created to read:

7 20.250 (2) (b) *Translational research.* The amounts in the schedule for
8 translational research under s. 250.17.

9 **SECTION 235.** 20.255 (1) (d) of the statutes is amended to read:

10 20.255 (1) (d) *Principal repayment and interest.* A sum sufficient to reimburse
11 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
12 the acquisition, construction, development, enlargement or improvement of
13 institutional facilities for individuals with hearing impairments under s. 115.52,
14 individuals with visual impairments under s. 115.525, and reference and loan library
15 facilities under s. 43.05 (11) and to make payments under an agreement or ancillary
16 arrangement entered into under s. 18.06 (8) (a).

17 **SECTION 236.** 20.255 (1) (j) of the statutes is created to read:

18 20.255 (1) (j) *Milwaukee Parental Choice Program fees.* All moneys received
19 under s. 119.23 (2) (a) 8. to be used to evaluate the financial information submitted
20 under s. 119.23 (7) (am) by private schools participating in the Milwaukee Parental
21 Choice Program.

22 **SECTION 237.** 20.255 (2) (ch) of the statutes is created to read:

23 20.255 (2) (ch) *Grants for world languages instruction.* The amounts in the
24 schedule for grants to school districts for world languages instruction under s.
25 115.455.

SENATE BILL 40**SECTION 238**

1 **SECTION 238.** 20.255 (2) (cr) of the statutes is renumbered 20.255 (2) (vr) and
2 amended to read:

3 20.255 (2) (vr) *Aid for pupil transportation.* The Notwithstanding s. 25.40 (3)
4 (b), from the transportation fund, the amounts in the schedule for the payment of
5 state aid for transportation of public and private school pupils under subch. IV of ch.
6 121 and for assistance under s. 121.575 (3).

7 **SECTION 239.** 20.255 (2) (cw) of the statutes is renumbered 20.255 (2) (vw) and
8 amended to read:

9 20.255 (2) (vw) *Aid for transportation; youth options program.* The
10 Notwithstanding s. 25.40 (3) (b), from the transportation fund, the amounts in the
11 schedule for the payment of state aid for the transportation of pupils attending an
12 institution of higher education or technical college under s. 118.55 (7g).

13 **SECTION 240.** 20.255 (2) (cy) of the statutes is renumbered 20.255 (2) (vy) and
14 amended to read:

15 20.255 (2) (vy) *Aid for transportation; open enrollment.* The Notwithstanding
16 s. 25.40 (3) (b), from the transportation fund, the amounts in the schedule to
17 reimburse parents for the costs of transportation of open enrollment pupils under ss.
18 118.51 (14) (b) and 118.52 (11) (b).

19 **SECTION 241.** 20.255 (2) (df) of the statutes is created to read:

20 20.255 (2) (df) *Grants for improving pupil academic achievement.* The amounts
21 in the schedule for grants to the school district operating under ch. 119 to improve
22 pupil academic achievement under s. 115.395.

23 **SECTION 242.** 20.255 (2) (dp) of the statutes is created to read:

24 20.255 (2) (dp) *Four-year-old kindergarten grants.* The amounts in the
25 schedule for 4-year-old kindergarten grants under s. 115.445.

SENATE BILL 40**SECTION 243**

1 **SECTION 243.** 20.255 (2) (fz) of the statutes is created to read:

2 20.255 (2) (fz) *Grants for science, technology, engineering, and mathematics*
3 *programs.* The amounts in the schedule for grants to school districts for science,
4 technology, engineering, and mathematics programs under s. 115.28 (46).

5 **SECTION 244.** 20.255 (2) (qm) of the statutes is created to read:

6 20.255 (2) (qm) *Driver education; assistance to eligible pupils.*
7 Notwithstanding s. 25.40 (3) (b), from the transportation fund, the amounts in the
8 schedule for aid to the school district operating under ch. 119 for driver education
9 assistance under s. 121.41 (2). No funds may be encumbered under this paragraph
10 after June 30, 2011.

11 **SECTION 245.** 20.255 (3) (c) of the statutes is amended to read:

12 20.255 (3) (c) *National Grants for national teacher certification or master*
13 *educator licensure.* A sum sufficient for payments grants to teachers who are
14 certified by the National Board for Professional Teaching Standards or licensed as
15 master educators as provided under s. 115.42.

16 **SECTION 246.** 20.255 (3) (dn) of the statutes is repealed.

17 **SECTION 247.** 20.255 (3) (fz) of the statutes is amended to read:

18 20.255 (3) (fz) *Minority group pupil Precollege scholarships.* The amounts in
19 the schedule for the payment of minority group pupil precollege scholarships under
20 s. 115.43.

21 **SECTION 248.** 20.255 (3) (q) of the statutes is amended to read:

22 20.255 (3) (q) (title) *Periodical and reference information databases; Newsline*
23 *for the Blind.* From the universal service fund, the amounts in the schedule for the
24 Newsline for the Blind, provided by the Regional Library for the Blind and Physically

SENATE BILL 40**SECTION 248**

1 Handicapped, and to contract for periodical and reference information databases
2 under s. 115.28 (26).

3 **SECTION 249.** 20.285 (1) (d) of the statutes is amended to read:

4 20.285 (1) (d) *Principal repayment and interest.* A sum sufficient to reimburse
5 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
6 the acquisition, construction, development, enlargement or improvement of
7 university academic facilities and to make payments under an agreement or
8 ancillary arrangement entered into under s. 18.06 (8) (a).

9 **SECTION 250.** 20.285 (1) (db) of the statutes is amended to read:

10 20.285 (1) (db) *Self-amortizing facilities principal and interest.* A sum
11 sufficient to reimburse s. 20.866 (1) (u) for any amounts advanced to meet principal
12 and interest costs on self-amortizing university facilities whenever the combined
13 balances of all accounts of activities, of any campus, included in par. (h) and sub. (6)
14 (g) are insufficient, as determined by the department of administration, to make
15 transfers to pars. (kd) and (ke) as required by par. (h) and sub. (6) (g), and to make
16 payments under an agreement or ancillary arrangement entered into under s. 18.06
17 (8) (a). Amounts advanced under the authority of this paragraph shall be repaid to
18 the general fund in installments to be determined jointly by the department of
19 administration and the campus concerned. For projects authorized by the building
20 commission before July 1, 1998, annually an amount equal to 80% of the principal
21 and interest costs for maintenance of University of Wisconsin–Madison
22 intercollegiate athletic facilities shall be paid from the appropriation under this
23 paragraph. For projects authorized by the building commission on or after July 1,
24 1998, annually an amount equal to 70% of the principal and interest costs for

SENATE BILL 40**SECTION 250**

1 maintenance of University of Wisconsin–Madison intercollegiate athletic facilities
2 shall be paid from the appropriation under this paragraph.

3 **SECTION 251.** 20.285 (1) (fp) of the statutes is created to read:

4 20.285 (1) (fp) *Biomedical Technology Alliance.* Biennially, the amounts in the
5 schedule to support the Biomedical Technology Alliance in southeastern Wisconsin.

6 **SECTION 252.** 20.285 (1) (h) of the statutes is amended to read:

7 20.285 (1) (h) *Auxiliary enterprises.* Except as provided under subs. (5) (i) and
8 (6) (g), all moneys received by the University of Wisconsin System for or on account
9 of any housing facility, commons, dining halls, cafeteria, student union, athletic
10 activities, stationery stand or bookstore, parking facilities or car fleet, or such other
11 auxiliary enterprise activities as the board designates and including such fee
12 revenues as allocated by the board and including such moneys received under leases
13 entered into previously with nonprofit building corporations as the board designates
14 to be receipts under this paragraph, but not including any moneys received from the
15 sale of real property during the period before July 1, 2007, and the period beginning
16 on the effective date of this paragraph [revisor inserts date], and ending on June
17 30, 2009. to be used for the operation, maintenance, and capital expenditures of
18 activities specified in this paragraph, including the transfer of funds to pars. (kd) and
19 (ke), and to nonprofit building corporations to be used by the corporations for the
20 retirement of existing indebtedness and such other payments as may be required
21 under existing loan agreements, for optional rental payments in addition to the
22 mandatory rental payments under the leases and subleases in connection with the
23 providing of facilities for such activities, and for grants under ss. 36.25 (14) and
24 36.34. A separate account shall be maintained for each campus and extension. Upon
25 the request of the extension or any campus within the system, the board of regents

SENATE BILL 40

1 may transfer surplus moneys appropriated under this paragraph to the
2 appropriation account under par. (kp).

3 **SECTION 253.** 20.285 (1) (im) of the statutes is amended to read:

4 20.285 (1) (im) *Academic student fees.* Except as provided under pars. (ip), (Lm)
5 and (Ls) and sub. (2) (j), all moneys received from academic student fees for degree
6 credit instruction, other than for credit outreach instruction sponsored by the
7 University of Wisconsin–Extension, and to reimburse s. 20.866 (1) (u) for the
8 payment of principal and interest costs incurred in financing the construction of
9 tri–state initiative facilities at the University of Wisconsin–Platteville as
10 enumerated in 2005 Wisconsin Act 25, section 9105 (1) (h), and to make payments
11 determined by the building commission under s. 13.488 (1) (m) that are attributable
12 to the proceeds of obligations incurred in financing the facilities, and to make
13 payments under an agreement or ancillary arrangement entered into under s. 18.06
14 (8) (a).

15 **SECTION 254.** 20.285 (1) (iz) of the statutes is amended to read:

16 20.285 (1) (iz) *General operations receipts.* All moneys received for or on
17 account of the University of Wisconsin System, unless otherwise specifically
18 appropriated, including all moneys received from the sale of real property during the
19 period prior to July 1, 2007, and the period beginning on the effective date of this
20 paragraph [revisor inserts date], and ending on June 30, 2009, to be used for
21 general operations.

22 **SECTION 255.** 20.285 (1) (j) of the statutes is amended to read:

23 20.285 (1) (j) *Gifts and donations.* All moneys received from gifts, grants,
24 bequests and devises, except moneys received from the sale of real property during
25 the period before July 1, 2007, and the period beginning on the effective date of this

SENATE BILL 40**SECTION 255**

1 paragraph [revisor inserts date], and ending on June 30, 2009, to be administered
2 and expended in accordance with the terms of the gift, grant, bequest or devise to
3 carry out the purposes for which made and received.

4 **SECTION 256.** 20.285 (1) (je) of the statutes is amended to read:

5 20.285 (1) (je) *Veterinary diagnostic laboratory; fees.* All moneys received
6 under s. 36.58 (3), other than from state agencies, to be used for general program
7 operations of the veterinary diagnostic laboratory and to reimburse s. 20.866 (1) (u)
8 for the payment of principal and interest costs incurred in financing the construction
9 of the veterinary diagnostic laboratory enumerated in 2001 Wisconsin Act 16, section
10 9107 (1) (m) 1. and, to make payments determined by the building commission under
11 s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in
12 financing that facility, and to make payments under an agreement or ancillary
13 arrangement entered into under s. 18.06 (8) (a).

14 **SECTION 257.** 20.285 (1) (jq) of the statutes is amended to read:

15 20.285 (1) (jq) *Steam and chilled–water plant; principal repayment, interest,*
16 *and rebates; nonstate entities.* All moneys received from utility charges to the
17 University of Wisconsin Hospitals and Clinics Authority and agencies of the federal
18 government that are approved by the department of administration under s. 36.11
19 (48) to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs
20 incurred in purchasing the Walnut Street steam and chilled–water plant
21 enumerated under 2003 Wisconsin Act 33, section 9106 (1) (g) 2., and to make
22 payments determined by the building commission under s. 13.488 (1) (m) that are
23 attributable to the proceeds of obligations incurred in financing the purchase of the
24 plant, and to make payments under an agreement or ancillary arrangement entered
25 into under s. 18.06 (8) (a).

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1 **SECTION 258.** 20.285 (1) (ka) of the statutes is amended to read:

2 20.285 (1) (ka) *Sale of real property.* All net proceeds from the sale of real
3 property by the board under s. 36.34, 1969 stats., and s. 36.33, except net proceeds
4 received during the period before July 1, 2007, and the period beginning on the
5 effective date of this paragraph [revisor inserts date], and ending on June 30,
6 2009, to be used for the purposes of s. 36.34, 1969 stats., and s. 36.33, including the
7 expenses enumerated in s. 13.48 (2) (d) incurred in selling the real property under
8 those sections.

9 **SECTION 259.** 20.285 (1) (kd) of the statutes is amended to read:

10 20.285 (1) (kd) *Principal repayment, interest and rebates.* From the revenues
11 credited under par. (h) and sub. (6) (g), a sum sufficient to reimburse s. 20.866 (1) (u)
12 for the payment of principal and interest costs incurred in financing the acquisition,
13 construction, development, enlargement or improvement of self-amortizing
14 university facilities ~~and,~~ to make the payments determined by the building
15 commission under s. 13.488 (1) (m) that are attributable to the proceeds of
16 obligations incurred in financing such facilities, and to make payments under an
17 agreement or ancillary arrangement entered into under s. 18.06 (8) (a). For projects
18 authorized by the building commission before July 1, 1998, annually an amount
19 equal to 20% of the principal and interest costs for maintenance of University of
20 Wisconsin–Madison intercollegiate athletic facilities shall be paid from the
21 appropriation under this paragraph. For projects authorized by the building
22 commission on or after July 1, 1998, but before July 1, 2001, annually an amount
23 equal to 30% of the principal and interest costs for maintenance of University of
24 Wisconsin–Madison intercollegiate athletic facilities shall be paid from the
25 appropriation under this paragraph. For projects authorized by the building

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1 commission on or after July 1, 2001, annually an amount equal to 40% of the
2 principal and interest costs for maintenance of University of Wisconsin–Madison
3 intercollegiate athletic facilities shall be paid from the appropriation under this
4 paragraph.

5 **SECTION 260.** 20.285 (1) (km) of the statutes is amended to read:

6 20.285 (1) (km) *Aquaculture demonstration facility; principal repayment and*
7 *interest.* The amounts in the schedule to reimburse s. 20.866 (1) (u) for the payment
8 of principal and interest costs incurred in financing the construction of the
9 aquaculture demonstration facility enumerated under 1999 Wisconsin Act 9, section
10 9107 (1) (i) 3. ~~and~~, to make the payments determined by the building commission
11 under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred
12 in financing that facility, and to make payments under an agreement or ancillary
13 arrangement entered into under s. 18.06 (8) (a). All moneys transferred from the
14 appropriation account under s. 20.505 (8) (hm) 1c. shall be credited to this
15 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
16 balance on June 30 of each year shall revert to the appropriation account under s.
17 20.505 (8) (hm).

18 **SECTION 261.** 20.285 (1) (ko) of the statutes is amended to read:

19 20.285 (1) (ko) *Steam and chilled–water plant; principal repayment, interest,*
20 *and rebates.* All moneys received from utility charges to University of
21 Wisconsin–Madison campus operations that are approved by the department of
22 administration under s. 36.11 (48) to reimburse s. 20.866 (1) (u) for the payment of
23 principal and interest costs incurred in purchasing the Walnut Street steam and
24 chilled–water plant enumerated under 2003 Wisconsin Act 33, section 9106 (1) (g)
25 2., ~~and~~ to make payments determined by the building commission under s. 13.488

SENATE BILL 40**SECTION 261**

1 (1) (m) that are attributable to the proceeds of obligations incurred in financing the
2 purchase of the plant, and to make payments under an agreement or ancillary
3 arrangement entered into under s. 18.06 (8) (a).

4 **SECTION 262.** 20.285 (5) (i) of the statutes is amended to read:

5 20.285 (5) (i) *Nonincome sports.* All moneys received from the sale of parking
6 provided for all events at athletic facilities at the University of Wisconsin–Madison,
7 less related expenses appropriated under sub. (1) (h), to be used for the sports
8 administered by the division of intercollegiate athletics at the University of
9 Wisconsin–Madison other than men’s basketball, football and hockey ~~and~~ for debt
10 service on any sports–related facility, and to make payments under an agreement or
11 ancillary arrangement entered into under s. 18.06 (8) (a). Of the amount
12 appropriated under this paragraph, the board shall allocate at least \$50,000
13 annually to support scholarships for women athletes.

14 **SECTION 263.** 20.292 (1) (fc) of the statutes is renumbered 20.292 (1) (u) and
15 amended to read:

16 20.292 (1) (u) *Driver education, local assistance.* ~~The Notwithstanding s. 25.40~~
17 (3) (b), from the transportation fund, the amounts in the schedule, to be distributed
18 to technical college districts for operating driver training programs under s. 38.28 (2)
19 (c) and (g).

20 **SECTION 264.** 20.292 (1) (fg) of the statutes is renumbered 20.292 (1) (v) and
21 amended to read:

22 20.292 (1) (v) *Chauffeur training grants.* ~~As Notwithstanding s. 25.40 (3) (b),~~
23 from the transportation fund, as a continuing appropriation, the amounts in the
24 schedule for advanced chauffeur training grants under s. 38.29.

SENATE BILL 40**SECTION 265**

1 **SECTION 265.** 20.292 (1) (fp) of the statutes is renumbered 20.292 (1) (r) and
2 amended to read:

3 20.292 (1) (r) *Emergency medical technician — basic training; state operations.*
4 The Notwithstanding s. 25.40 (3) (b), from the transportation fund, the amounts in
5 the schedule for technical assistance and administrative support for emergency
6 medical technician — basic training.

7 **SECTION 266.** 20.320 (1) (c) of the statutes is amended to read:

8 20.320 (1) (c) *Principal repayment and interest — clean water fund program.*
9 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and
10 interest costs incurred in transferring moneys from s. 20.866 (2) (tc) to the
11 environmental improvement fund for the purposes of the clean water fund program
12 under s. 281.58 and to make payments under an agreement or ancillary arrangement
13 entered into under s. 18.06 (8) (a).

14 **SECTION 267.** 20.320 (1) (q) of the statutes is amended to read:

15 20.320 (1) (q) *Clean water fund program revenue obligation funding.* As a
16 continuing appropriation, all proceeds from revenue obligations issued for the clean
17 water fund program under subch. II or IV of ch. 18, as authorized under s. 281.59 (4)
18 and deposited in the fund in the state treasury created under s. 18.57 (1), providing
19 for reserves and for expenses of issuance and management of the revenue
20 obligations, and to make payments under an agreement or ancillary arrangement
21 entered into under s. 18.55 (6) with respect to revenue obligations issued under s.
22 281.59 (4), and the remainder to be transferred to the environmental improvement
23 fund for the purposes of the clean water fund program under s. 281.58. Estimated
24 disbursements under this paragraph shall not be included in the schedule under s.
25 20.005.

SENATE BILL 40**SECTION 268**

1 **SECTION 268.** 20.320 (1) (r) of the statutes is amended to read:

2 20.320 (1) (r) *Clean water fund program repayment of revenue obligations.*

3 From the environmental improvement fund, a sum sufficient to repay the fund in the
4 state treasury created under s. 18.57 (1) the amount needed to retire revenue
5 obligations issued for the clean water fund program under subch. II or IV of ch. 18,
6 as authorized under s. 281.59 (4), and to make payments under an agreement or
7 ancillary arrangement entered into under s. 18.55 (6) with respect to revenue
8 obligations issued under s. 281.59 (4).

9 **SECTION 269.** 20.320 (1) (t) of the statutes is amended to read:

10 20.320 (1) (t) *Principal repayment and interest — clean water fund program*
11 *bonds.* From the environmental improvement fund, the amounts in the schedule to
12 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
13 in transferring moneys from s. 20.866 (2) (tc) to the environmental improvement
14 fund for the purposes of the clean water fund program under s. 281.58 and to make
15 payments under an agreement or ancillary arrangement entered into under s. 18.06
16 (8) (a). Fifty percent of all moneys received from municipalities as payment of
17 interest on loans or portions of loans under s. 281.58 the revenues of which have not
18 been pledged to secure revenue obligations shall be credited to this appropriation
19 account.

20 **SECTION 270.** 20.320 (1) (u) of the statutes is amended to read:

21 20.320 (1) (u) *Principal repayment and interest — clean water fund program*
22 *revenue obligation repayment.* From the fund in the state treasury created under s.
23 18.57 (1), all moneys received by the fund and not transferred under s. 281.59 (4) (c)
24 to the environmental improvement fund, for the purpose of the retirement of revenue
25 obligations, providing for reserves and for operations relating to the management

SENATE BILL 40**SECTION 270**

1 and retirement of revenue obligations issued for the clean water fund program under
2 subch. II or IV of ch. 18, as authorized under s. 281.59 (4), and to make payments
3 under an agreement or ancillary arrangement entered into under s. 18.55 (6) with
4 respect to revenue obligations issued under s. 281.59 (4). All moneys received are
5 irrevocably appropriated in accordance with subch. II of ch. 18 and further
6 established in resolutions authorizing the issuance of the revenue obligations and
7 setting forth the distribution of funds to be received thereafter.

8 **SECTION 271.** 20.320 (2) (c) of the statutes is amended to read:

9 20.320 (2) (c) *Principal repayment and interest — safe drinking water loan*
10 *program.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal
11 and interest costs incurred in financing the safe drinking water loan program under
12 s. 20.866 (2) (td) and to make payments under an agreement or ancillary
13 arrangement entered into under s. 18.06 (8) (a).

14 **SECTION 272.** 20.370 (1) (cy) of the statutes is created to read:

15 20.370 (1) (cy) *Forestry – cooperating foresters.* All moneys received under s.
16 28.05 (3) (c) for payment to cooperating foresters to be used for those payments.

17 **SECTION 273.** 20.370 (1) (es) of the statutes is created to read:

18 20.370 (1) (es) *Parks — interpretive programs.* All moneys received from fees
19 authorized under s. 27.01 (9) (d) for educational and interpretive programs in state
20 parks to be used for costs associated with those programs.

21 **SECTION 274.** 20.370 (1) (gt) of the statutes is created to read:

22 20.370 (1) (gt) *Habitat conservation plan fees.* All moneys received from gifts,
23 grants, and bequests to, and all fees paid by partners in, the Karner blue butterfly
24 habitat conservation plan to be used for the administration and implementation of
25 the plan.

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1 **SECTION 275.** 20.370 (1) (hx) of the statutes is created to read:

2 20.370 (1) (hx) *Fee amounts for statewide automated issuing system. All*
3 *moneys received from the deductions made under s. 29.024 (6) (ag) to be used for*
4 *payments to a person contracted under s. 29.024 (6) (a) 4. as required by the contract.*

5 **SECTION 276.** 20.370 (2) (cf) of the statutes is renumbered 20.370 (2) (cq) and
6 amended to read:

7 20.370 (2) (cq) *Air management — motor vehicle emission inspection and*
8 *maintenance program, state funds. ~~The~~ From the transportation fund, the amounts*
9 *in the schedule for the administration of the motor vehicle emission inspection and*
10 *maintenance program under s. 285.30.*

11 **SECTION 277.** 20.370 (2) (dg) of the statutes is amended to read:

12 20.370 (2) (dg) *Solid waste management — solid and hazardous waste disposal*
13 *administration. All moneys received from fees under ss. 289.42 (1), 289.43 (7) (e) 1.*
14 *and 2., 289.61, 291.05 (7) and 291.33, ~~except for moneys appropriated under sub. (9)~~*
15 *(mj), for the purpose of administering ss. 289.42 (1), 289.43, 289.47, 289.53, 289.95,*
16 *291.23, 291.25, 291.29, 291.31 and 291.87 and subch. III of ch. 289.*

17 **SECTION 278.** 20.370 (2) (di) of the statutes is repealed.

18 **SECTION 279.** 20.370 (3) (ad) of the statutes is renumbered 20.370 (3) (ay) and
19 amended to read:

20 20.370 (3) (ay) *Law enforcement — car kill deer; general transportation fund.*
21 *~~From the general~~ Notwithstanding s. 25.40 (3) (b), from the transportation fund, the*
22 *amounts in the schedule to pay 50% of the costs of the removal and disposal of car*
23 *kill deer from highways.*

24 **SECTION 280.** 20.370 (3) (at) of the statutes is amended to read:

SENATE BILL 40**SECTION 280**

1 20.370 (3) (at) *Education and safety programs*. For programs or courses of
2 instruction under ss. 23.33 (5) (d), 29.591 (3), 30.74 (1) (a) and 350.055 (1). All
3 moneys remitted to the department under ss. 23.33 (5) (d), 29.563 (12) (c) 2., 29.591
4 (3), 30.74 (1) (b), and 350.055 (1) shall be credited to this appropriation.

5 **SECTION 281.** 20.370 (3) (mm) of the statutes is amended to read:

6 20.370 (3) (mm) *General program operations — federal funds*. All From the
7 general fund, all moneys received as federal aid for enforcement activities, as
8 authorized by the governor under s. 16.54, to be expended for those activities.

9 **SECTION 282.** 20.370 (5) (bz) of the statutes is created to read:

10 20.370 (5) (bz) *Resource aids — forestry outdoor activity grants*. As a
11 continuing appropriation, the amounts in the schedule for grants awarded by the
12 managed forest land board under s. 77.895.

13 **SECTION 283.** 20.370 (7) (aa) of the statutes is amended to read:

14 20.370 (7) (aa) *Resource acquisition and development — principal repayment*
15 *and interest*. A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
16 principal and interest costs incurred in financing the placement of structures and fill
17 under s. 30.203, in financing the acquisition, construction, development,
18 enlargement, or improvement of state recreation facilities under s. 20.866 (2) (tp) and
19 (tr), in financing state aids for land acquisition and development of local parks under
20 s. 20.866 (2) (tq), in financing land acquisition activities under s. 20.866 (2) (ts) and
21 (tt), in financing the aid program for dams under s. 20.866 (2) (tx), in financing ice
22 age trail development under s. 20.866 (2) (tw), in financing the Warren
23 Knowles–Gaylord Nelson stewardship program under s. 20.866 (2) (tz) and in
24 financing the Warren Knowles–Gaylord Nelson stewardship 2000 program under s.
25 20.866 (2) (ta), but not including payments made under par. (ac), and to make

SENATE BILL 40**SECTION 283**

1 payments under an agreement or ancillary arrangement entered into under s. 18.06
2 (8) (a). Payments may not be made from this appropriation account for principal and
3 interest costs incurred in financing land acquisition and development of state forests
4 under ss. 20.866 (2) (ta) and (tz) until all moneys available under s. 20.370 (7) (au)
5 have been expended.

6 **SECTION 284.** 20.370 (7) (ac) of the statutes is amended to read:

7 20.370 (7) (ac) *Principal repayment and interest — recreational boating bonds.*
8 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and
9 interest costs incurred in assisting municipalities and other qualifying entities in the
10 acquisition, construction, development, enlargement or improvement of recreational
11 boating facilities under s. 30.92 and to make payments under an agreement or
12 ancillary arrangement entered into under s. 18.06 (8) (a).

13 **SECTION 285.** 20.370 (7) (ag) of the statutes is amended to read:

14 20.370 (7) (ag) *Land acquisition — principal repayment and interest.* All
15 moneys received from proceeds from the sale of land under s. 23.0917 (5m) (b) 2. to
16 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
17 in financing land acquisition under s. 23.0917 (5m) from the appropriation under s.
18 20.866 (2) (ta) and to make payments under an agreement or ancillary arrangement
19 entered into under s. 18.06 (8) (a).

20 **SECTION 286.** 20.370 (7) (aq) of the statutes is amended to read:

21 20.370 (7) (aq) *Resource acquisition and development — principal repayment*
22 *and interest.* From the conservation fund, a sum sufficient to reimburse s. 20.866 (1)
23 (u) for the payment of principal and interest costs incurred in financing land
24 acquisition activities under s. 20.866 (2) (ty) and to make payments under an
25 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SENATE BILL 40**SECTION 287**

1 **SECTION 287.** 20.370 (7) (ar) of the statutes is amended to read:

2 20.370 (7) (ar) *Dam repair and removal — principal repayment and interest.*

3 From the conservation fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the
4 payment of principal and interest costs incurred in financing the aid program for
5 dams under s. 20.866 (2) (tL) and to make payments under an agreement or ancillary
6 arrangement entered into under s. 18.06 (8) (a).

7 **SECTION 288.** 20.370 (7) (at) of the statutes is amended to read:

8 20.370 (7) (at) *Recreation development — principal repayment and interest.*

9 From the conservation fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the
10 payment of principal and interest costs incurred in acquiring, constructing,
11 developing, enlarging, or improving state recreation facilities and state fish
12 hatcheries under s. 20.866 (2) (tu) and to make payments under an agreement or
13 ancillary arrangement entered into under s. 18.06 (8) (a).

14 **SECTION 289.** 20.370 (7) (au) of the statutes is amended to read:

15 20.370 (7) (au) *State forest acquisition and development — principal repayment*
16 *and interest.* From the conservation fund, the amounts in the schedule to reimburse
17 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
18 land acquisition and development for state forests from the appropriations under s.
19 20.866 (2) (ta) and (tz) and to make payments under an agreement or ancillary
20 arrangement entered into under s. 18.06 (8) (a).

21 **SECTION 290.** 20.370 (7) (bq) of the statutes is amended to read:

22 20.370 (7) (bq) *Principal repayment and interest — remedial action.* From the
23 environmental fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment
24 of principal and interest costs incurred in financing remedial action under ss. 281.83
25 and 292.31 and for the payment of this state's share of environmental repair that is

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1 funded under 42 USC 9601 to 9675 and to make payments under an agreement or
2 ancillary arrangement entered into under s. 18.06 (8) (a).

3 **SECTION 291.** 20.370 (7) (br) of the statutes is created to read:

4 20.370 (7) (br) *Principal repayment and interest — contaminated sediment.*

5 From the environmental fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the
6 principal and interest costs incurred in financing projects to remove contaminated
7 sediment under s. 20.866 (2) (ti), to make the payments determined by the building
8 commission under s. 13.488 (1) (m) that are attributable to the proceeds of
9 obligations incurred in financing those projects, and to make payments under an
10 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

11 **SECTION 292.** 20.370 (7) (ca) of the statutes is amended to read:

12 20.370 (7) (ca) *Principal repayment and interest — nonpoint source grants.* A

13 sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest
14 costs incurred in providing funds under s. 20.866 (2) (te) for nonpoint source water
15 pollution abatement projects under s. 281.65 and, to make the payments determined
16 by the building commission under s. 13.488 (1) (m) that are attributable to the
17 proceeds of obligations incurred in financing those projects, to the extent that these
18 payments are not made under par. (cg), and to make payments under an agreement
19 or ancillary arrangement entered into under s. 18.06 (8) (a).

20 **SECTION 293.** 20.370 (7) (cb) of the statutes is amended to read:

21 20.370 (7) (cb) *Principal repayment and interest — pollution abatement bonds.*

22 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and
23 interest costs incurred in financing the acquisition, construction, development,
24 enlargement or improvement of point source water pollution abatement facilities
25 and sewage collection facilities under ss. 281.55, 281.56 and 281.57 and to make

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1 payments under an agreement or ancillary arrangement entered into under s. 18.06
2 (8) (a).

3 **SECTION 294.** 20.370 (7) (cc) of the statutes is amended to read:

4 20.370 (7) (cc) *Principal repayment and interest — combined sewer overflow;*
5 *pollution abatement bonds.* A sum sufficient to reimburse s. 20.866 (1) (u) for the
6 payment of principal and interest costs incurred in financing the construction of
7 combined sewer overflow projects under s. 281.63 and to make payments under an
8 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

9 **SECTION 295.** 20.370 (7) (cd) of the statutes is amended to read:

10 20.370 (7) (cd) *Principal repayment and interest — municipal clean drinking*
11 *water grants.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
12 principal and interest costs incurred in making municipal clean drinking water
13 grants under s. 281.53 and to make payments under an agreement or ancillary
14 arrangement entered into under s. 18.06 (8) (a).

15 **SECTION 296.** 20.370 (7) (ce) of the statutes is amended to read:

16 20.370 (7) (ce) *Principal repayment and interest — nonpoint source.* A sum
17 sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs
18 incurred in financing nonpoint source projects under s. 20.866 (2) (tf) and, to make
19 the payments determined by the building commission under s. 13.488 (1) (m) that are
20 attributable to the proceeds of obligations incurred in financing those projects, and
21 to make payments under an agreement or ancillary arrangement entered into under
22 s. 18.06 (8) (a).

23 **SECTION 297.** 20.370 (7) (cf) of the statutes is amended to read:

24 20.370 (7) (cf) *Principal repayment and interest — urban nonpoint source*
25 *cost-sharing.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of

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1 principal and interest costs incurred in financing cost-sharing grants for projects
2 under s. 20.866 (2) (th) and, to make the payments determined by the building
3 commission under s. 13.488 (1) (m) that are attributable to the proceeds of
4 obligations incurred in financing those grants, and to make payments under an
5 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

6 **SECTION 298.** 20.370 (7) (cg) of the statutes is amended to read:

7 20.370 (7) (cg) *Principal repayment and interest — nonpoint repayments.* All
8 moneys received as repayments of cash surpluses and cash advances from recipients
9 of grants under the nonpoint source water pollution abatement program under s.
10 281.65, to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs
11 incurred in providing funds under s. 20.866 (2) (te) for nonpoint source water
12 pollution projects under s. 281.65 and, to make the payments determined by the
13 building commission under s. 13.488 (1) (m) that are attributable to the proceeds of
14 obligations incurred in financing those projects, and to make payments under an
15 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

16 **SECTION 299.** 20.370 (7) (ea) of the statutes is amended to read:

17 20.370 (7) (ea) *Administrative facilities — principal repayment and interest.*
18 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and
19 interest costs incurred in financing the acquisition, construction, development,
20 enlargement, or improvement of administrative office, laboratory, equipment
21 storage, or maintenance facilities and to make payments under an agreement or
22 ancillary arrangement entered into under s. 18.06 (8) (a).

23 **SECTION 300.** 20.370 (7) (eq) of the statutes is amended to read:

24 20.370 (7) (eq) *Administrative facilities — principal repayment and interest.*
25 From the conservation fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the

SENATE BILL 40**SECTION 300**

1 payment of principal and interest costs incurred in financing the acquisition,
2 construction, development, enlargement, or improvement of administrative office,
3 laboratory, equipment storage, or maintenance facilities and to make payments
4 under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

5 **SECTION 301.** 20.370 (7) (er) of the statutes is amended to read:

6 20.370 (7) (er) *Administrative facilities — principal repayment and interest;*
7 *environmental fund.* From the environmental fund, a sum sufficient to reimburse
8 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
9 the acquisition, construction, development, enlargement, or improvement of
10 administrative office, laboratory, equipment storage, or maintenance facilities under
11 s. 20.866 (2) (tk) and, to make the payments determined by the building commission
12 under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred
13 in financing this acquisition, construction, development, enlargement, or
14 improvement, and to make payments under an agreement or ancillary arrangement
15 entered into under s. 18.06 (8) (a).

16 **SECTION 302.** 20.370 (7) (mc) of the statutes is renumbered 20.370 (7) (mr) and
17 amended to read:

18 20.370 (7) (mr) *Resource maintenance and development — state park, forest*
19 *and riverway roads.* As Notwithstanding s. 25.40 (3) (b), as a continuing
20 appropriation from the transportation fund, the amounts in the schedule for state
21 park and forest roads and roads in the lower Lower Wisconsin state riverway State
22 Riverway as defined in s. 30.40 (15) under s. 84.28 and for the maintenance of roads
23 in state parks under ch. 27 and recreation areas in state forests under ch. 28 which
24 are not eligible for funding under s. 84.28. The department may expend up to
25 \$400,000 from this appropriation in each fiscal year for state park and forest roads

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1 and roads in the lower ~~Lower~~ Wisconsin state riverway State Riverway as defined
2 in s. 30.40 (15) under s. 84.28 and shall expend the balance from the appropriation
3 for the maintenance of roads which are not eligible for funding under s. 84.28.

4 **SECTION 303.** 20.370 (9) (mj) of the statutes is repealed.

5 **SECTION 304.** 20.370 (9) (ms) of the statutes is repealed.

6 **SECTION 305.** 20.373 (1) (g) of the statutes is amended to read:

7 20.373 (1) (g) *Administration, operation, repair, and rehabilitation.* ~~All~~ From
8 the general fund, all moneys received from the sale of surplus land under 2005
9 Wisconsin Act 25, section 9105 (14q), to be used for administration of the authority
10 and the operation, repair, and rehabilitation of the Fox River lock system.

11 **SECTION 306.** 20.395 (2) (cw) of the statutes is created to read:

12 20.395 (2) (cw) *Harbor assistance, local funds.* All moneys received from any
13 local unit of government or other source for harbor assistance or harbor
14 improvements under s. 85.095, for such purposes.

15 **SECTION 307.** 20.395 (2) (ft) of the statutes is amended to read:

16 20.395 (2) (ft) *Local roads improvement program; discretionary grants, state*
17 *funds.* As a continuing appropriation, the amounts in the schedule for the local roads
18 improvement program under s. 86.31 (3g) to (3r), and for the payment required under
19 2007 Wisconsin Act (this act), section 9148 (3).

20 **SECTION 308.** 20.395 (2) (qv) of the statutes is created to read:

21 20.395 (2) (qv) *Safe routes to school, local funds.* All moneys received from any
22 local unit of government for the safe routes to school program under s. 85.029, for
23 such purpose.

24 **SECTION 309.** 20.395 (2) (qx) of the statutes is created to read:

SENATE BILL 40**SECTION 309**

1 20.395 (2) (qx) *Safe routes to school, federal funds.* All moneys received from
2 the federal government for the safe routes to school program under s. 85.029, for such
3 purpose.

4 **SECTION 310.** 20.395 (6) (af) of the statutes is amended to read:

5 20.395 (6) (af) *Principal repayment and interest, local roads for job preservation*
6 *program and major highway and rehabilitation projects, state funds.* From the
7 general fund, a sum sufficient, less any amount appropriated under par. (bq), to
8 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
9 in financing the local roads for job preservation program under s. 86.312 and major
10 highway and rehabilitation projects, as provided under ss. 20.866 (2) (uum) and
11 (uur), 84.555, and 84.95, and to make the payments determined by the building
12 commission under s. 13.488 (1) (m) that are attributable to the proceeds of
13 obligations incurred in financing the local roads for job preservation program under
14 s. 86.312, and to make payments under an agreement or ancillary arrangement
15 entered into under s. 18.06 (8) (a).

16 **SECTION 311.** 20.395 (6) (aq) of the statutes is amended to read:

17 20.395 (6) (aq) *Principal repayment and interest, transportation facilities, state*
18 *funds.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal
19 and interest costs incurred in financing the acquisition, construction, development,
20 enlargement, or improvement of transportation facilities under ss. 84.51, 84.52,
21 84.53, 85.08 (2) (L) and (4m) (c) and (d), 85.09, and 85.095 (2) and to make payments
22 under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

23 **SECTION 312.** 20.395 (6) (ar) of the statutes is amended to read:

24 20.395 (6) (ar) *Principal repayment and interest, buildings, state funds.* A sum
25 sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs

SENATE BILL 40**SECTION 312**

1 incurred in financing the acquisition, construction, development, enlargement, or
2 improvement of the department of transportation's administrative offices or
3 equipment storage and maintenance facilities and to make payments under an
4 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

5 **SECTION 313.** 20.395 (6) (as) of the statutes is amended to read:

6 20.395 (6) (as) *Transportation facilities and highway projects revenue*
7 *obligation repayment.* From any fund created under s. 84.59 (2), all moneys received
8 by the fund and not transferred under s. 84.59 (3) to the transportation fund, for the
9 purpose of the retirement of revenue obligations, providing for reserves and, for
10 operations relating to the management and retirement of revenue obligations issued
11 under s. 84.59, and to make payments under an agreement or ancillary arrangement
12 entered into under s. 18.55 (6) with respect to revenue obligations issued under s.
13 84.59. All moneys received are irrevocably appropriated in accordance with subch.
14 II of ch. 18 and further established in resolutions authorizing the issuance of the
15 revenue obligations and setting forth the distribution of funds to be received
16 thereafter. Estimated disbursements under this paragraph shall not be included in
17 the schedule under s. 20.005.

18 **SECTION 314.** 20.395 (6) (au) of the statutes is amended to read:

19 20.395 (6) (au) *Principal repayment and interest, Marquette interchange and*
20 *I 94 north-south corridor reconstruction ~~project~~ projects, state funds.* A sum
21 sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs
22 incurred in financing the Marquette interchange reconstruction project and the
23 reconstruction of the I 94 north-south corridor, as provided under ss. 20.866 (2) (uup)
24 and 84.555, and to make payments under an agreement or ancillary arrangement
25 entered into under s. 18.06 (8) (a).

SENATE BILL 40**SECTION 315**

1 **SECTION 315.** 20.395 (6) (bq) of the statutes is created to read:

2 20.395 **(6)** (bq) *Principal repayment and interest, major highway and*
3 *rehabilitation projects, state funds.* The amounts in the schedule to reimburse s.
4 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
5 major highway and rehabilitation projects, as provided under ss. 20.866 (2) (uum)
6 and (uur), 84.555, and 84.95, and to make payments under an agreement or ancillary
7 arrangement entered into under s. 18.06 (8) (a).

8 **SECTION 316.** 20.410 (1) (e) of the statutes is amended to read:

9 20.410 **(1)** (e) *Principal repayment and interest.* A sum sufficient to reimburse
10 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
11 the acquisition, construction, development, enlargement, or improvement of
12 correctional facilities and to make payments under an agreement or ancillary
13 arrangement entered into under s. 18.06 (8) (a).

14 **SECTION 317.** 20.410 (1) (ec) of the statutes is amended to read:

15 20.410 **(1)** (ec) *Prison industries principal, interest and rebates.* A sum
16 sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs
17 incurred in financing the acquisition, development, enlargement or improvement of
18 equipment used in prison industries as authorized under s. 20.866 (2) (uy) if the
19 moneys credited under par. (km) and appropriated under par. (ko) are insufficient,
20 and to make full payment of the amounts determined by the building commission
21 under s. 13.488 (1) (m) if the appropriation under par. (ko) is insufficient to make full
22 payment of those amounts, and to make payments under an agreement or ancillary
23 arrangement entered into under s. 18.06 (8) (a).

24 **SECTION 318.** 20.410 (1) (gd) of the statutes is amended to read:

SENATE BILL 40**SECTION 318**

1 20.410 (1) (gd) *Sex offender management.* The amounts in the schedule for the
2 supervision of persons who are on probation, parole, or extended supervision or who
3 are required to register as sex offenders under s. 301.45. All moneys received from
4 sex offenders under s. 301.45 (10) shall be credited to this appropriation account.

5 **SECTION 319.** 20.410 (1) (gk) of the statutes is created to read:

6 20.410 (1) (gk) *Global positioning system tracking devices.* All moneys received
7 from sex offenders who are required to pay for global positioning system tracking
8 devices under s. 301.48 (4) (b) for expenditures related to the global positioning
9 system tracking program under s. 301.48.

10 **SECTION 320.** 20.410 (1) (ko) of the statutes is amended to read:

11 20.410 (1) (ko) *Prison industries principal repayment, interest and rebates.* A
12 sum sufficient from the moneys credited under par. (km) to reimburse s. 20.866 (1)
13 (u) for the payment of principal and interest costs incurred in financing the
14 acquisition, development, enlargement or improvement of equipment used in prison
15 industries as authorized under s. 20.866 (2) (uy) and, to make the payments
16 determined by the building commission under s. 13.488 (1) (m) that are attributable
17 to the proceeds of obligations incurred in financing such facilities, and to make
18 payments under an agreement or ancillary arrangement entered into under s. 18.06
19 (8) (a).

20 **SECTION 321.** 20.410 (2) (title) of the statutes is amended to read:

21 20.410 (2) (title) ~~PAROLE~~ EARNED RELEASE REVIEW COMMISSION. (a) *General*
22 *program operations.*

23 **SECTION 322.** 20.410 (2) (a) of the statutes is amended to read:

24 20.410 (2) (a) *General program operations.* The amounts in the schedule for
25 the general program operations of the parole earned release review commission.

SENATE BILL 40**SECTION 323**

1 **SECTION 323.** 20.410 (3) (d) of the statutes is renumbered 20.505 (6) (d) and
2 amended to read:

3 20.505 **(6)** (d) *Youth diversion.* The amounts in the schedule for youth diversion
4 services under s. ~~301.265 (1) and (3)~~ 16.964 (8) (a) and (c).

5 **SECTION 324.** 20.410 (3) (e) of the statutes is amended to read:

6 20.410 **(3)** (e) *Principal repayment and interest.* A sum sufficient to reimburse
7 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
8 the acquisition, construction, development, enlargement, or improvement of the
9 department's juvenile correctional facilities and to make payments under an
10 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

11 **SECTION 325.** 20.410 (3) (k) of the statutes is repealed.

12 **SECTION 326.** 20.410 (3) (kj) of the statutes is renumbered 20.505 (6) (kj) and
13 amended to read:

14 20.505 **(6)** (kj) *Youth diversion program.* The amounts in the schedule for youth
15 diversion services under s. ~~301.265 (1) and (3)~~ 16.964 (8) (a) and (c). All moneys
16 transferred from the appropriation account under s. 20.455 (2) (i) 8. shall be credited
17 to this appropriation account.

18 **SECTION 327.** 20.410 (3) (ko) of the statutes is amended to read:

19 20.410 **(3)** (ko) *Interagency programs; community youth and family aids.* All
20 moneys transferred from the appropriation account under s. ~~20.435 (3)~~ 20.437 (1)
21 (nL) for the purposes of s. 301.26, to be used for those purposes.

22 **SECTION 328.** 20.410 (3) (r) of the statutes is created to read:

23 20.410 **(3)** (r) *County aid fund; community youth and family aids.* From the
24 county aid fund, the amounts in the schedule for the improvement and provision of
25 juvenile delinquency-related services under s. 301.26 and for reimbursement to

SENATE BILL 40

1 counties having a population of less than 500,000 for the cost of court-attached
2 intake services as provided in s. 938.06 (4). Notwithstanding ss. 20.001 (3) (a) and
3 20.002 (1), the department of corrections may transfer moneys under this paragraph
4 between fiscal years. Except for moneys authorized for transfer under s. 301.26 (3),
5 all moneys from this paragraph allocated under s. 301.26 (3) and not spent or
6 encumbered by counties by December 31 of each year shall lapse into the county aid
7 fund on the succeeding January 1. The joint committee on finance may transfer
8 additional moneys to the next calendar year.

9 **SECTION 329.** 20.425 (1) (a) of the statutes is amended to read:

10 20.425 (1) (a) *General program operations.* The amounts in the schedule for
11 the purposes provided in subchs. I, IV ~~and~~ V, and VI of ch. 111 and s. 230.45 (1).

12 **SECTION 330.** 20.432 (1) (kb) of the statutes is amended to read:

13 20.432 (1) (kb) *Insurance and other information, counseling and assistance.*
14 The amounts in the schedule for the purpose of providing information and counseling
15 on medicare supplemental insurance, long-term care insurance, and medical
16 assistance eligibility requirements, training, educational materials, and technical
17 assistance under s. 16.009 (2) (j). The office of the commissioner of insurance shall
18 credit to this appropriation account amounts equal to the amounts in the schedule
19 for the purposes of this paragraph, from the appropriation under s. 20.145 (1) (g) 1.
20 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each
21 fiscal year shall revert to the appropriation account under s. 20.145 (1) (g).

22 **SECTION 331.** 20.435 (1) (ac) of the statutes is renumbered 20.437 (2) (ac) and
23 amended to read:

SENATE BILL 40**SECTION 331**

1 20.437 **(2)** (ac) *Child abuse and neglect prevention technical assistance*. The
2 amounts in the schedule for child abuse and neglect prevention technical assistance
3 and training under s. ~~46.515~~ 48.983 (8).

4 **SECTION 332.** 20.435 (1) (gm) of the statutes is amended to read:

5 20.435 **(1)** (gm) *Licensing, review and certifying activities; fees; supplies and*
6 *services*. The amounts in the schedule for the purposes specified in ss. 146.50 (8),
7 252.23, 252.24, 252.245, 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to
8 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) and ch. 69, for the purchase
9 and distribution of medical supplies, for transfer to the appropriation accounts under
10 s. 20.445 (1) (kb) and (3) (kb), and to analyze and provide data under s. 250.04. All
11 moneys received under ss. 146.50 (5) (f) and (8) (d), 250.04 (3m), 252.23 (4) (a), 252.24
12 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5) and (8), 254.31 to 254.39,
13 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) (b) and ch. 69, other than s. 69.22
14 (1m), and as reimbursement for medical supplies shall be credited to this
15 appropriation account.

16 **SECTION 333.** 20.435 (1) (gm) of the statutes, as affected by 2007 Wisconsin Act
17 (this act), section 332, is amended to read:

18 20.435 **(1)** (gm) *Licensing, review and certifying activities; fees; supplies and*
19 *services*. The amounts in the schedule for the purposes specified in ss. 146.50 (8),
20 252.23, 252.24, 252.245, 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to
21 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) and ch. 69, for the purchase
22 and distribution of medical supplies, for transfer to the appropriation accounts under
23 s. 20.445 (1) (kb) and (3) (kb), and to analyze and provide data under s. 250.04. All
24 moneys received under ss. 69.22 (3m), 146.50 (5) (f) and (8) (d), 250.04 (3m), 252.23
25 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5) and (8),

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1 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) (b) and ch. 69, other
2 than s. 69.22 (1m), and as reimbursement for medical supplies shall be credited to
3 this appropriation account. The department shall, in each fiscal year, transfer
4 \$1,250,000 from this appropriation account to the appropriation account under sub.
5 (3) (ky) and shall transfer \$500,000 from this appropriation account to the
6 appropriation account under sub. (3) (kz).

7 **SECTION 334.** 20.435 (1) (gm) of the statutes, as affected by 2007 Wisconsin Act
8 (this act), section 333, is repealed and recreated to read:

9 20.435 (1) (gm) *Licensing, review and certifying activities; fees; supplies and*
10 *services.* The amounts in the schedule for the purposes specified in ss. 146.50 (8),
11 252.23, 252.24, 252.245, 254.176, 254.178, 254.179, 254.20 (5) and (8), 254.31 to
12 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) and ch. 69, for the purchase
13 and distribution of medical supplies, for transfer to the appropriation accounts under
14 ss. 20.437 (2) (kb) and 20.445 (1) (kb), and to analyze and provide data under s.
15 250.04. All moneys received under ss. 69.22 (3m), 146.50 (5) (f) and (8) (d), 250.04
16 (3m), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5)
17 and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) (b) and ch.
18 69, other than s. 69.22 (1m), and as reimbursement for medical supplies shall be
19 credited to this appropriation account. The department shall, in each fiscal year,
20 transfer \$1,250,000 from this appropriation account to the appropriation account
21 under s. 20.437 (1) (ky) and shall transfer \$500,000 from this appropriation account
22 to the appropriation account under s. 20.437 (1) (kz).

23 **SECTION 335.** 20.435 (1) (gr) of the statutes is renumbered 20.437 (2) (gr) and
24 amended to read:

SENATE BILL 40**SECTION 335**

1 20.437 (2) (gr) *Supplemental food program for women, infants, and children*
2 *administration.* All moneys received from the supplemental food enforcement
3 surcharges on fines, forfeitures, and recoupments that are levied by a court under
4 s. ~~253.06~~ 49.17 (4) (c) and on forfeitures and recoupments that are levied by the
5 department under s. ~~253.06~~ 49.17 (5) (c) to finance fraud reduction in the
6 supplemental food program for women, infants, and children under s. ~~253.06~~ 49.17.

7 **SECTION 336.** 20.435 (2) (b) of the statutes is repealed.

8 **SECTION 337.** 20.435 (2) (bj) of the statutes is amended to read:

9 20.435 (2) (bj) *Competency examinations and conditional and supervised*
10 *release services.* Biennially, the amounts in the schedule for outpatient competency
11 examinations and treatment services; and for payment by the department of costs
12 for treatment and services for persons released under s. 980.06 (2) (c), 1997 stats.,
13 s. 980.08 (5), 2003 stats., or s. 971.17 (3) (d) or (4) (e) or 980.08 (4) (g), for which the
14 department has contracted with county departments under s. 51.42 (3) (aw) 1. d.,
15 with other public agencies, or with private agencies to provide the treatment and
16 services.

17 **SECTION 338.** 20.435 (2) (bm) of the statutes is amended to read:

18 20.435 (2) (bm) *Secure mental health units or facilities.* The amounts in the
19 schedule for the general program operations of the Wisconsin Resource Center under
20 s. 46.056 and other secure mental health units or facilities under s. 980.065 for at
21 which persons committed under s. 980.06 and are placed in a secure mental health
22 unit or facility, but not for security operations at the Wisconsin Resource Center.

23 **SECTION 339.** 20.435 (2) (ee) of the statutes is amended to read:

24 20.435 (2) (ee) *Principal repayment and interest.* A sum sufficient to reimburse
25 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing

SENATE BILL 40**SECTION 339**

1 the acquisition, development, enlargement, or extension of mental health facilities
2 and to make payments under an agreement or ancillary arrangement entered into
3 under s. 18.06 (8) (a).

4 **SECTION 340.** 20.435 (3) (title) of the statutes is renumbered 20.437 (1) (title).

5 **SECTION 341.** 20.435 (3) (a) of the statutes is renumbered 20.437 (1) (a) and
6 amended to read:

7 20.437 (1) (a) *General program operations.* The amounts in the schedule for
8 general program operations relating to children's services for children and families,
9 including field services and administrative services.

10 **SECTION 342.** 20.435 (3) (bc) of the statutes is renumbered 20.437 (1) (bc) and
11 amended to read:

12 20.437 (1) (bc) *Grants for children's community programs.* The amounts in the
13 schedule for grants for children's community programs under s. ~~46.481~~ 48.481.
14 Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds
15 between fiscal years under this paragraph. All moneys under this appropriation
16 account that are distributed under s. ~~46.481~~ 48.481 but are not encumbered by
17 December 31 of each year lapse to the general fund on the next January 1 unless
18 carried forward to the next calendar year by the joint committee on finance.

19 **SECTION 343.** 20.435 (3) (bm) of the statutes is repealed.

20 **SECTION 344.** 20.435 (3) (cd) of the statutes is renumbered 20.437 (1) (cd) and
21 amended to read:

22 20.437 (1) (cd) *Domestic abuse grants.* The amounts in the schedule for the
23 purposes of s. ~~46.95~~ 49.165. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the
24 department may transfer funds between fiscal years under this paragraph. All funds
25 allocated by the department under s. ~~46.95~~ 49.165 (2) but not encumbered by

SENATE BILL 40**SECTION 344**

1 December 31 of each year lapse to the general fund on the next January 1 unless
2 transferred to the next calendar year by the joint committee on finance.

3 **SECTION 345.** 20.435 (3) (cf) of the statutes is renumbered 20.437 (1) (cf).

4 **SECTION 346.** 20.435 (3) (cw) of the statutes is renumbered 20.437 (1) (cw).

5 **SECTION 347.** 20.435 (3) (cx) of the statutes is renumbered 20.437 (1) (cx).

6 **SECTION 348.** 20.435 (3) (da) of the statutes is renumbered 20.437 (1) (da).

7 **SECTION 349.** 20.435 (3) (dd) of the statutes is renumbered 20.437 (1) (dd).

8 **SECTION 350.** 20.435 (3) (dg) of the statutes is renumbered 20.437 (1) (dg).

9 **SECTION 351.** 20.435 (3) (eg) of the statutes is renumbered 20.437 (1) (eg) and
10 amended to read:

11 20.437 (1) (eg) *Brighter futures initiative and tribal adolescent services.* The
12 amounts in the schedule for the brighter futures initiative under s. ~~46.99~~ 48.545 and
13 for tribal adolescent services under s. ~~46.995~~ 48.487.

14 **SECTION 352.** 20.435 (3) (f) of the statutes is renumbered 20.437 (1) (f) and
15 amended to read:

16 20.437 (1) (f) *Second-chance homes.* The amounts in the schedule for grants
17 for 2nd-chance homes under s. ~~46.997~~ 48.647 (2) (a) and for an evaluation of that
18 grant program under s. ~~46.997~~ 48.647 (4). Notwithstanding s. 20.001 (3) (a) and
19 20.002 (1), the department of children and families shall transfer from this
20 appropriation account to the appropriation account ~~for the department of workforce~~
21 ~~development under s. 20.445 (3) under sub. (2)~~ (dz) all funds allocated under s. ~~46.997~~
22 48.647 (2) (a) and (4) but unexpended by June 30 of each year.

23 **SECTION 353.** 20.435 (3) (fp) of the statutes is repealed.

24 **SECTION 354.** 20.435 (3) (gx) of the statutes is renumbered 20.437 (1) (gx).

SENATE BILL 40**SECTION 355**

1 **SECTION 355.** 20.435 (3) (hh) of the statutes is renumbered 20.437 (1) (hh) and
2 amended to read:

3 20.437 (1) (hh) *Domestic abuse surcharge grants.* All moneys received from the
4 domestic abuse surcharge on court fines, as authorized under s. 971.37 (1m) (c) 1. or
5 973.055, to provide grants to domestic abuse services organizations under s. ~~46.95~~
6 49.165.

7 **SECTION 356.** 20.435 (3) (i) of the statutes is renumbered 20.437 (1) (i).

8 **SECTION 357.** 20.435 (3) (j) of the statutes is renumbered 20.437 (1) (j) and
9 amended to read:

10 20.437 (1) (j) *Statewide automated child welfare information system receipts.*
11 All moneys received from counties under s. ~~46.45~~ 48.565 (2) (a), for the costs of
12 implementing and operating the statewide automated child welfare information
13 system established under s. ~~46.03~~ 48.47 (7g).

14 **SECTION 358.** 20.435 (3) (jb) of the statutes is renumbered 20.437 (1) (jb).

15 **SECTION 359.** 20.435 (3) (jj) of the statutes is renumbered 20.437 (1) (jj).

16 **SECTION 360.** 20.435 (3) (jm) of the statutes is renumbered 20.437 (2) (jm).

17 **SECTION 361.** 20.435 (3) (kc) of the statutes is renumbered 20.437 (1) (kc) and
18 amended to read:

19 20.437 (1) (kc) *Interagency and intra-agency aids; kinship care and long-term*
20 *kinship care.* The amounts in the schedule for payments under s. 48.57 (3m) and (3n).
21 All moneys transferred from the appropriation account under s. ~~20.445 (3)~~ sub. (2)
22 (md) to this appropriation account shall be credited to this appropriation account.
23 Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year
24 is transferred to the appropriation account under s. ~~20.445 (3)~~ sub. (2) (kx).

SENATE BILL 40**SECTION 362**

1 **SECTION 362.** 20.435 (3) (kd) of the statutes is renumbered 20.437 (1) (kd) and
2 amended to read:

3 20.437 **(1)** (kd) *Kinship care and long-term kinship care assessments.* The
4 amounts in the schedule for assessments of kinship care relatives, as defined in s.
5 48.57 (3m) (a) 2., and long-term kinship care relatives, as defined in s. 48.57 (3n) (a)
6 2., who provide care and maintenance for children to determine if those kinship care
7 relatives and long-term kinship care relatives are eligible to receive payments under
8 s. 48.57 (3m) or (3n). All moneys transferred from the appropriation account under
9 ~~s. 20.445 (3) sub. (2)~~ (md) to this appropriation account shall be credited to this
10 appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered
11 balance on June 30 of each year is transferred to the appropriation account under s.
12 ~~20.445 (3) sub. (2)~~ (kx).

13 **SECTION 363.** 20.435 (3) (kw) of the statutes is renumbered 20.437 (1) (kw).

14 **SECTION 364.** 20.435 (3) (kx) of the statutes is renumbered 20.437 (1) (kx).

15 **SECTION 365.** 20.435 (3) (ky) of the statutes is amended to read:

16 20.435 **(3)** (ky) *Interagency and intra-agency aids.* Except as provided in par.
17 (kw), all moneys received from other state agencies and all moneys received by the
18 department from the department for local assistance, including all moneys
19 transferred from sub. (1) (gm) and credited to this appropriation account, for such
20 purposes local assistance.

21 **SECTION 366.** 20.435 (3) (ky) of the statutes, as affected by 2007 Wisconsin Act
22 (this act), is renumbered 20.437 (1) (ky) and amended to read:

23 20.437 **(1)** (ky) *Interagency and intra-agency aids.* Except as provided in par.
24 (kw), all moneys received from other state agencies and all moneys received by the
25 department from the department for local assistance, including all moneys

SENATE BILL 40**SECTION 366**

1 transferred from ~~sub. s. 20.435~~ (1) (gm) and credited to this appropriation account,
2 for local assistance.

3 **SECTION 367.** 20.435 (3) (kz) of the statutes is amended to read:

4 20.435 (3) (kz) *Interagency and intra-agency local assistance.* Except as
5 provided in par. (kw), all moneys received from other state agencies and all moneys
6 received by the department from the department for local assistance, including all
7 moneys transferred from sub. (1) (gm) and credited to this appropriation account, for
8 such purposes local assistance.

9 **SECTION 368.** 20.435 (3) (kz) of the statutes, as affected by 2007 Wisconsin Act
10 (this act), is renumbered 20.437 (1) (kz) and amended to read:

11 20.437 (1) (kz) *Interagency and intra-agency local assistance.* Except as
12 provided in par. (kw), all moneys received from other state agencies and all moneys
13 received by the department from the department for local assistance, including all
14 moneys transferred from ~~sub. s. 20.435~~ (1) (gm) and credited to this appropriation
15 account, for local assistance.

16 **SECTION 369.** 20.435 (3) (m) of the statutes is repealed.

17 **SECTION 370.** 20.435 (3) (ma) of the statutes is repealed.

18 **SECTION 371.** 20.435 (3) (mb) of the statutes is repealed.

19 **SECTION 372.** 20.435 (3) (mc) of the statutes is repealed.

20 **SECTION 373.** 20.435 (3) (md) of the statutes is repealed.

21 **SECTION 374.** 20.435 (3) (me) of the statutes is renumbered 20.437 (1) (me) and
22 amended to read:

23 20.437 (1) (me) *Federal block grant local assistance.* All block grant moneys
24 received from the federal government, as authorized by the governor under s. 16.54,

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1 for youth services local assistance for children and families, for the purposes for
2 which received.

3 **SECTION 375.** 20.435 (3) (mw) of the statutes is renumbered 20.437 (1) (mw).

4 **SECTION 376.** 20.435 (3) (mx) of the statutes is renumbered 20.437 (1) (mx).

5 **SECTION 377.** 20.435 (3) (n) of the statutes is repealed.

6 **SECTION 378.** 20.435 (3) (na) of the statutes is repealed.

7 **SECTION 379.** 20.435 (3) (nL) of the statutes is repealed.

8 **SECTION 380.** 20.435 (3) (pd) of the statutes is renumbered 20.437 (1) (pd) and
9 amended to read:

10 20.437 (1) (pd) *Federal aid; state foster care and adoption services.* All federal
11 moneys received for meeting the costs of providing foster care, treatment foster care,
12 institutional child care, and subsidized adoptions under ss. 48.48 (12) and 48.52, the
13 cost of care for children under s. 49.19 (10) (d), the cost of providing, or contracting
14 with private adoption agencies to assist the department in providing, services to
15 children with special needs who are under the guardianship of the department to
16 prepare those children for adoption, and the cost of providing postadoption services
17 to children with special needs who have been adopted. Disbursements for foster care
18 under s. 46.03 (20) 49.32 (2) and for the purposes described under s. 48.627 may be
19 made from this appropriation.

20 **SECTION 381.** 20.435 (3) (pm) of the statutes is renumbered 20.437 (1) (pm).

21 **SECTION 382.** 20.435 (4) (b) of the statutes is amended to read:

22 20.435 (4) (b) *Medical Assistance program benefits.* Biennially, the amounts
23 in the schedule to provide a portion of the state share of Medical Assistance program
24 benefits administered under s. 49.45, for a portion of the Badger Care health care
25 program under s. 49.665, to provide a portion of the Medical Assistance program

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1 benefits administered under s. 49.45 that are not also provided under par. (o), to fund
2 the pilot project under s. 46.27 (9) and (10), to provide a portion of the facility
3 payments under 1999 Wisconsin Act 9, section 9123 (9m), to fund services provided
4 by resource centers under s. 46.283, for services under the family care benefit under
5 s. 46.284 (5), for assisting victims of diseases, as provided in ss. 49.68, 49.683, and
6 49.685, and for reduction of any operating deficits as specified in 2005 Wisconsin Act
7 15, section 3. Notwithstanding s. 20.002 (1), the department may transfer from this
8 appropriation account to the appropriation account under sub. (7) (kb) funds in the
9 amount of and for the purposes specified in s. 46.485. Notwithstanding ss. 20.001
10 (3) (b) and 20.002 (1), the department may credit or deposit into this appropriation
11 account and may transfer between fiscal years funds that it transfers from the
12 appropriation account under sub. (7) (kb) for the purposes specified in s. 46.485 (3r).
13 Notwithstanding s. 20.002 (1), the department may transfer from this appropriation
14 account to the appropriation account under sub. (7) (bd) funds in the amount and for
15 the purposes specified in s. 49.45 (6v).

16 **SECTION 383.** 20.435 (4) (b) of the statutes, as affected by 2007 Wisconsin Act
17 (this act), is amended to read:

18 20.435 (4) (b) *Medical Assistance program benefits.* Biennially, the amounts
19 in the schedule to provide a portion of the state share of Medical Assistance program
20 benefits administered under ~~s. 49.45~~ subch. IV of ch. 49, for a portion of the Badger
21 Care health care program under s. 49.665, to provide a portion of the Medical
22 Assistance program benefits administered under ~~s. 49.45~~ subch. IV of ch. 49 that are
23 not also provided under par. (o), to fund the pilot project under s. 46.27 (9) and (10),
24 to provide a portion of the facility payments under 1999 Wisconsin Act 9, section 9123
25 (9m), to fund services provided by resource centers under s. 46.283, for services under

SENATE BILL 40**SECTION 383**

1 the family care benefit under s. 46.284 (5), for assisting victims of diseases, as
2 provided in ss. 49.68, 49.683, and 49.685, and for reduction of any operating deficits
3 as specified in 2005 Wisconsin Act 15, section 3. Notwithstanding s. 20.002 (1), the
4 department may transfer from this appropriation account to the appropriation
5 account under sub. (7) (kb) funds in the amount of and for the purposes specified in
6 s. 46.485. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department may
7 credit or deposit into this appropriation account and may transfer between fiscal
8 years funds that it transfers from the appropriation account under sub. (7) (kb) for
9 the purposes specified in s. 46.485 (3r). Notwithstanding s. 20.002 (1), the
10 department may transfer from this appropriation account to the appropriation
11 account under sub. (7) (bd) funds in the amount and for the purposes specified in s.
12 49.45 (6v).

13 **SECTION 384.** 20.435 (4) (bc) of the statutes is repealed.

14 **SECTION 385.** 20.435 (4) (bm) of the statutes is amended to read:

15 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
16 *administration; contract costs, insurer reports, and resource centers.* Biennially, the
17 amounts in the schedule to provide a portion of the state share of administrative
18 contract costs for the Medical Assistance program under s. 49.45, the food stamp
19 program under s. 49.79, and the Badger Care health care program under s. 49.665
20 and to provide the state share of administrative contract costs for the food stamp
21 program under s. 49.79, other than payments to counties and tribal governing bodies
22 under s. 49.78 (8), to develop and implement a registry of recipient immunizations,
23 to reimburse insurers 3rd parties for their costs under s. 49.475, for costs associated
24 with outreach activities, and for services of resource centers under s. 46.283. No
25 state positions may be funded in the department of health and family services from

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1 this appropriation, except positions for the performance of duties under a contract
2 in effect before January 1, 1987, related to the administration of the Medical
3 Assistance program between the subunit of the department primarily responsible for
4 administering the Medical Assistance program and another subunit of the
5 department. Total administrative funding authorized for the program under s.
6 49.665 may not exceed 10% of the amounts budgeted under pars. ~~(b)~~, (p), and (x).

7 **SECTION 386.** 20.435 (4) (bm) of the statutes, as affected by 2007 Wisconsin Act
8 (this act), is amended to read:

9 20.435 (4) (bm) *Medical Assistance, food stamps, and Badger Care*
10 *administration; contract costs, reports, and resource centers.* Biennially, the amounts
11 in the schedule to provide a portion of the state share of administrative contract costs
12 for the Medical Assistance program under s. ~~49.45~~ subch. IV of ch. 49 and the Badger
13 Care health care program under s. 49.665 and to provide the state share of
14 administrative costs for the food stamp program under s. 49.79, other than payments
15 to counties and tribal governing bodies under s. 49.78 (8), to develop and implement
16 a registry of recipient immunizations, to reimburse 3rd parties for their costs under
17 s. 49.475, for costs associated with outreach activities, and for services of resource
18 centers under s. 46.283. No state positions may be funded in the department of
19 health and family services from this appropriation, except positions for the
20 performance of duties under a contract in effect before January 1, 1987, related to
21 the administration of the Medical Assistance program between the subunit of the
22 department primarily responsible for administering the Medical Assistance
23 program and another subunit of the department. Total administrative funding
24 authorized for the program under s. 49.665 may not exceed 10% of the amounts
25 budgeted under pars. (bc), (p), and (x).

SENATE BILL 40**SECTION 387**

1 **SECTION 387.** 20.435 (4) (bn) of the statutes is amended to read:

2 20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule
3 for funeral expenses under s. 49.785, for administration of the food stamp
4 employment and training program under s. 49.79 (9), and for payments under s.
5 49.78 (8) relating to the administration of the Medical Assistance program, the
6 Badger Care health care program under s. 49.665, the food stamp program, and the
7 cemetery, funeral, and burial expenses program under s. 49.785.

8 **SECTION 388.** 20.435 (4) (bn) of the statutes, as affected by 2007 Wisconsin Act
9 (this act), is amended to read:

10 20.435 (4) (bn) *Income maintenance.* Biennially, the amounts in the schedule
11 for funeral expenses under s. 49.785, for administration of the food stamp
12 employment and training program under s. 49.79 (9), and for payments under s.
13 49.78 (8) relating to the administration of the Medical Assistance program under
14 subch. IV of ch. 49, the Badger Care health care program under s. 49.665, the food
15 stamp program, and the cemetery, funeral, and burial expenses program under s.
16 49.785.

17 **SECTION 389.** 20.435 (4) (gp) of the statutes is repealed.

18 **SECTION 390.** 20.435 (4) (h) of the statutes is amended to read:

19 20.435 (4) (h) *General or medical assistance medical program;*
20 *intergovernmental transfer.* The amounts in the schedule to provide supplemental
21 payments to eligible health care providers that contract with Milwaukee County to
22 provide health care services funded by a relief block grant under s. 49.025 or to
23 provide benefits under the demonstration project under s. 49.45 (23). All moneys
24 received from Milwaukee County for this either purpose shall be credited to this
25 appropriation account.

SENATE BILL 40**SECTION 391**

1 **SECTION 391.** 20.435 (4) (im) of the statutes is amended to read:

2 20.435 (4) (im) *Medical assistance; ~~recovery of correct payments~~ correct*
3 *payment recovery; collections; other recoveries.* All moneys received from the recovery
4 of correct medical assistance payments under ss. 49.496 and 867.035 and rules
5 promulgated under s. 46.286 (7) and all moneys received as collections and other
6 recoveries from providers, drug manufacturers, and other 3rd parties under medical
7 assistance performance-based contracts, for payments to counties and tribal
8 governing bodies under s. 49.496 (4), for payment of claims under s. 867.035 (3), for
9 payments to the federal government for its share of medical assistance benefits
10 recovered, for the state share of medical assistance benefits provided under subch.
11 IV of ch. 49 ~~as specified in ss. 49.496 (5) and 867.035 (4), and for the state share of~~
12 ~~medical assistance benefits provided under s. 46.284 (5), and for costs related to~~
13 collections and other recoveries.

14 **SECTION 392.** 20.435 (4) (jw) of the statutes is created to read:

15 20.435 (4) (jw) *BadgerCare Plus administrative costs.* Biennially, the amounts
16 in the schedule to provide a portion of the state share of administrative costs for the
17 BadgerCare Plus Medical Assistance program under s. 49.471. Ten percent of all
18 moneys received from penalty assessments under s. 49.471 (9) (c) shall be credited
19 to this appropriation account.

20 **SECTION 393.** 20.435 (4) (jz) of the statutes is amended to read:

21 20.435 (4) (jz) *Medical Assistance and Badger Care cost sharing and employer*
22 *penalty assessments.* All moneys received ~~from~~ in cost sharing from medical
23 assistance recipients, including payments under s. 49.665 (5) and, all moneys
24 received from penalty assessments under s. 49.665 (7) (b) 2., and 90 percent of all
25 moneys received from penalty assessments under s. 49.471 (9) (c) to be used for the

SENATE BILL 40**SECTION 393**

1 Badger Care health care program under s. 49.665 and for the Medical Assistance
2 program under subch. IV of ch. 49.

3 **SECTION 394.** 20.435 (4) (o) of the statutes is amended to read:

4 20.435 (4) (o) *Federal aid; medical assistance.* All federal moneys received for
5 meeting costs of ~~medical assistance~~ Medical Assistance administered under ss.
6 46.284 (5), ~~49.45~~ and 49.665 and subch. IV of ch. 49, to be used for those purposes and
7 for transfer to the ~~medical assistance~~ Medical Assistance trust fund, for those
8 purposes.

9 **SECTION 395.** 20.435 (4) (pa) of the statutes is amended to read:

10 20.435 (4) (pa) *Federal aid; Medical Assistance and food stamp contracts*
11 *administration.* All federal moneys received for the federal share of the cost of
12 contracting for payment and services administration and reporting, other than
13 moneys received under par. (nn), to reimburse ~~insurers~~ 3rd parties for their costs
14 under s. 49.475, for administrative contract costs for the food stamp program under
15 s. 49.79, and for services of resource centers under s. 46.283.

16 **SECTION 396.** 20.435 (4) (xd) of the statutes is created to read:

17 20.435 (4) (xd) *Health care quality fund; Medical Assistance and Badger Care*
18 *benefits.* From the health care quality fund, as a continuing appropriation, the
19 amounts in the schedule to provide a portion of the state share of Medical Assistance
20 program benefits administered under s. 49.45 and to provide a portion of the costs
21 of benefits under the Badger Care health care program under s. 49.665.

22 **SECTION 397.** 20.435 (4) (xe) of the statutes is created to read:

23 20.435 (4) (xe) *Health care quality fund; administration.* From the health care
24 quality fund, as a continuing appropriation, the amounts in the schedule to provide

SENATE BILL 40

1 a portion of the state share of administrative contract costs for the Medical
2 Assistance program under s. 49.45.

3 **SECTION 398.** 20.435 (4) (xh) of the statutes is created to read:

4 20.435 (4) (xh) *Health care quality fund; prescription drug assistance; benefits.*

5 From the health care quality fund, as a continuing appropriation, the amounts in the
6 schedule for payment to pharmacies and pharmacists under s. 49.688 (7) for
7 prescription drug assistance for elderly persons.

8 **SECTION 399.** 20.435 (4) (xi) of the statutes is created to read:

9 20.435 (4) (xi) *Health care quality fund; prescription drug assistance;*
10 *administration.* From the health care quality fund, as a continuing appropriation,
11 the amounts in the schedule for administration of the program for prescription drug
12 assistance for elderly persons under s. 49.688 (7).

13 **SECTION 400.** 20.435 (4) (xk) of the statutes is created to read:

14 20.435 (4) (xk) *Health care quality fund; quality and patient safety information*
15 *technology.* From the health care quality fund, as a continuing appropriation, the
16 amounts in the schedule for promoting the adoption of health care quality and
17 patient safety information technology and developing exchanges of health
18 information.

19 **SECTION 401.** 20.435 (5) (ab) of the statutes is renumbered 20.437 (2) (ab) and
20 amended to read:

21 20.437 (2) (ab) *Child abuse and neglect prevention grants.* The amounts in the
22 schedule for child abuse and neglect prevention grants under s. ~~46.515~~ 48.983.

23 **SECTION 402.** 20.435 (5) (am) of the statutes is amended to read:

24 20.435 (5) (am) *Services, reimbursement and payment related to human*
25 *immunodeficiency virus.* The amounts in the schedule for the purchase of services

SENATE BILL 40**SECTION 402**

1 under s. 252.12 (2) (a) for individuals with respect to human immunodeficiency virus
2 and related infections, including hepatitis C virus infection, to subsidize premium
3 payments under ss. 252.16 and 252.17, for grants for the prevention of human
4 immunodeficiency virus infection and related infections, including hepatitis C virus
5 infection, under s. 252.12 (2) (c) 2. and 3., and to reimburse or supplement the
6 reimbursement of the cost of AZT, pentamidine and certain other drugs under s.
7 49.686, and to pay for premiums and drug copayments under the pilot program
8 under s. 49.686 (6).

9 **SECTION 403.** 20.435 (5) (ch) of the statutes is renumbered 20.435 (5) (rb) and
10 amended to read:

11 20.435 (5) (rb) *Emergency medical services; aids.* The Notwithstanding s. 25.40
12 (3) (b), from the transportation fund, the amounts in the schedule for emergency
13 medical technician — basic training and examination aid under s. 146.55 (5) and for
14 ambulance service vehicles or vehicle equipment, emergency medical services
15 supplies or equipment or emergency medical training for personnel under s. 146.55
16 (4).

17 **SECTION 404.** 20.435 (5) (dn) of the statutes is renumbered 20.437 (2) (dn) and
18 amended to read:

19 20.437 (2) (dn) *Food distribution grants.* The amounts in the schedule for
20 grants for food distribution programs under ss. ~~46.75 and 46.77~~ 49.171 and 49.1715.

21 **SECTION 405.** 20.435 (5) (em) of the statutes is renumbered 20.437 (2) (em) and
22 amended to read:

23 20.437 (2) (em) *Supplemental food program for women, infants and children*
24 *benefits.* As a continuing appropriation, the amounts in the schedule to provide a

SENATE BILL 40**SECTION 405**

1 state supplement under s. ~~253.06~~ 49.17 to the federal special supplemental food
2 program for women, infants, and children authorized under 42 USC 1786.

3 **SECTION 406.** 20.435 (5) (ke) of the statutes is amended to read:

4 20.435 (5) (ke) *Cooperative American Indian health projects.* The amounts in
5 the schedule for grants for cooperative American Indian health projects under s.
6 146.19. All moneys transferred from the appropriation account under s. 20.505 (8)
7 (hm) 18b. shall be credited to this appropriation account. Notwithstanding s. 20.001
8 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
9 appropriation account under s. 20.505 (8) (hm).

10 **SECTION 407.** 20.435 (5) (r) of the statutes is created to read:

11 20.435 (5) (r) *Health care quality fund; tobacco use control.* From the health
12 care quality fund, as a continuing appropriation, the amounts in the schedule for aids
13 under the grants under s. 255.15 (3).

14 **SECTION 408.** 20.435 (6) (e) of the statutes is amended to read:

15 20.435 (6) (e) *Principal repayment and interest.* A sum sufficient to reimburse
16 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
17 the development or improvement of the workshop for the blind and to make
18 payments under an agreement or ancillary arrangement entered into under s. 18.06
19 (8) (a).

20 **SECTION 409.** 20.435 (6) (gc) of the statutes is amended to read:

21 20.435 (6) (gc) *Disabled children children's long-term support waiver waivers;*
22 *state operations.* From all moneys received under ss. 46.03 (18) and 46.10 for services
23 for children reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the
24 waiver requested under ~~2001 Wisconsin Act 16, section 9123 (16rs) or 2003~~
25 ~~Wisconsin Act 33, section 9124 (8c)~~ provided under the disabled children's long-term

SENATE BILL 40**SECTION 409**

1 support program, as defined in s. 46.011 (1g), the amounts in the schedule for
2 collection of moneys received under ss. 46.03 (18) and 46.10 for services for children
3 reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver
4 requested under 2001 Wisconsin Act 16, section 9123 (16rs) or 2003 Wisconsin Act
5 33, section 9124 (8c) provided under the disabled children's long-term support
6 program.

7 **SECTION 410.** 20.435 (6) (gd) of the statutes is repealed.

8 **SECTION 411.** 20.435 (7) (b) of the statutes is amended to read:

9 20.435 (7) (b) *Community aids and Medical Assistance payments.* The
10 amounts in the schedule for human services under s. 46.40, to fund services provided
11 by resource centers under s. 46.283 (5), for services under the family care benefit
12 under s. 46.284 (5), for reimbursement to counties having a population of less than
13 500,000 for the cost of court attached intake services under s. 48.06 (4), for shelter
14 care under ss. 48.58 and 938.22, for foster care, treatment foster care, and subsidized
15 guardianship care under ss. 46.261 and 49.19 (10), for Medical Assistance payment
16 adjustments under s. 49.45 (52), and for Medical Assistance payments under s. 49.45
17 (6tw) and (53). Social services disbursements under s. 46.03 (20) (b) may be made
18 from this appropriation. Refunds received relating to payments made under s. 46.03
19 (20) (b) for the provision of services for which moneys are appropriated under this
20 paragraph shall be returned to this appropriation. Notwithstanding ss. 20.001 (3)
21 (a) and 20.002 (1), the department of health and family services may transfer funds
22 between fiscal years under this paragraph. The department shall deposit into this
23 appropriation funds it recovers under ss. 46.495 (2) (b) and 51.423 (15), from prior
24 year audit adjustments including those resulting from audits of services under s.
25 46.26, 1993 stats., or s. 46.27. Except for amounts authorized to be carried forward

SENATE BILL 40**SECTION 411**

1 under s. 46.45, all funds recovered under ss. 46.495 (2) (b) and 51.423 (15) and all
2 funds allocated under s. 46.40 and not spent or encumbered by December 31 of each
3 year shall lapse to the general fund on the succeeding January 1 unless carried
4 forward to the next calendar year by the joint committee on finance.

5 **SECTION 412.** 20.435 (7) (bc) of the statutes is amended to read:

6 20.435 (7) (bc) *Grants for community programs.* The amounts in the schedule
7 for grants for community programs under s. 46.48. Notwithstanding ss. 20.001 (3)
8 (a) and 20.002 (1), the department may transfer funds between fiscal years under
9 this paragraph. Notwithstanding ss. 20.001 (3) (b) and 20.002 (1), the department
10 of health and family services may credit or deposit into this appropriation funds for
11 the purpose specified in s. 46.48 (13) that the department transfers from the
12 appropriation under par. (bL) that are allocated by the department under that
13 appropriation but unexpended or unencumbered on June 30 of each year. Except for
14 amounts authorized to be carried forward under s. 46.48 and as otherwise provided
15 in this paragraph, all funds allocated but not encumbered by December 31 of each
16 year lapse to the general fund on the next January 1 unless carried forward to the
17 next calendar year by the joint committee on finance. Notwithstanding ss. 20.001
18 (3) (a) and 20.002 (1), the department shall transfer from this appropriation account
19 to the appropriation account for the department of ~~workforce development~~ children
20 and families under s. ~~20.445 (3)~~ 20.437 (2) (dz) funds allocated by the department
21 under s. 46.48 (30) but unexpended on June 30 of each year.

22 **SECTION 413.** 20.435 (7) (bd) of the statutes is amended to read:

23 20.435 (7) (bd) *Community options program; pilot projects; family care benefit*
24 *Long-term care programs.* The amounts in the schedule for assessments, case
25 planning, services, administration and risk reserve escrow accounts under s. 46.27,

SENATE BILL 40**SECTION 413**

1 for pilot projects under s. 46.271 (1), to fund services provided by resource centers
2 under s. 46.283 (5), for services under the family care benefit under s. 46.284 (5), for
3 services and supports under s. 46.2803 (2), and for the payment of premiums under
4 s. 49.472 (5). If the department transfers funds to this appropriation from the
5 appropriation account under sub. (4) (b), the amounts in the schedule for the fiscal
6 year for which the transfer is made are increased by the amount of the transfer for
7 the purposes specified in s. 49.45 (6v). Notwithstanding ss. 20.001 (3) (a) and 20.002
8 (1), the department may under this paragraph transfer moneys between fiscal years.
9 Except for moneys authorized for transfer under this appropriation or under s. 46.27
10 (7) (fm) or (g), all moneys under this appropriation that are allocated under s. 46.27
11 and are not spent or encumbered by counties or by the department by December 31
12 of each year shall lapse to the general fund on the succeeding January 1 unless
13 transferred to the next calendar year by the joint committee on finance.

14 **SECTION 414.** 20.435 (7) (bt) of the statutes is amended to read:

15 20.435 (7) (bt) *Early intervention services for infants and toddlers with*
16 *disabilities.* ~~The As a continuing appropriation, the amounts in the schedule for the~~
17 ~~early intervention services under s. 51.44. Notwithstanding ss. 20.001 (3) (a) and~~
18 ~~20.002 (1), the department may transfer funds between fiscal years under this~~
19 ~~paragraph. All funds distributed by the department under s. 51.44 but not~~
20 ~~encumbered by December 31 of each year shall lapse to the general fund on the next~~
21 ~~January 1 unless carried forward to the next calendar year by the joint committee~~
22 ~~on finance.~~

23 **SECTION 415.** 20.435 (7) (g) of the statutes is created to read:

24 20.435 (7) (g) *Long-term care; county contributions.* All moneys received from
25 counties as contributions to the family care program under s. 46.2805 to 46.2895, the

SENATE BILL 40**SECTION 415**

1 Pace program described under s. 46.2805 (1) (a), and the Wisconsin Partnership
2 Program described under s. 46.2805 (1) (b), to fund services under the family care
3 benefit under s. 46.284 (5) and services under the Pace and Wisconsin Partnership
4 programs.

5 **SECTION 416.** 20.435 (7) (h) of the statutes is amended to read:

6 20.435 (7) (h) *Disabled children children's long-term support waiver waivers.*

7 All moneys received under ss. 46.03 (18) and 46.10 for services for children
8 reimbursed under a waiver under s. 46.27 (11), 46.275, or 46.278 or the waiver
9 requested under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act
10 33, section 9124 (8c) provided under the disabled children's long-term support
11 program, as defined in s. 46.011 (1g), less the amounts appropriated under sub. (6)
12 (gc), for distribution to counties according to a formula developed by the department
13 as a portion of the state share of payments for services for children under the waiver
14 under s. 46.278 or the waiver requested under 2001 Wisconsin Act 16, section 9123
15 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c) for services provided under the
16 disabled children's long-term support program.

17 **SECTION 417.** 20.435 (7) (hy) of the statutes is amended to read:

18 20.435 (7) (hy) *Services for drivers, local assistance. The As a continuing*
19 appropriation, the amounts in the schedule for the purpose of s. 51.42 for drivers
20 referred through assessment, to be allocated according to a plan developed by the
21 department of health and family services. All moneys transferred from sub. (6) (hx)
22 shall be credited to this appropriation, ~~except that the unencumbered balance on~~
23 ~~June 30 of each year shall revert to the appropriation under sub. (6) (hx).~~

24 **SECTION 418.** 20.435 (7) (o) of the statutes is amended to read:

SENATE BILL 40**SECTION 418**

1 20.435 (7) (o) *Federal aid; community aids.* All federal moneys received in
2 amounts pursuant to allocation plans developed by the department for the provision
3 or purchase of services authorized under par. (b); ~~all federal moneys received as child~~
4 ~~welfare funds under 42 USC 620 to 626 as limited under s. 48.985;~~ all federal
5 temporary assistance for needy families moneys received under 42 USC 601 to 619
6 that are authorized to be used to purchase or provide social services under 42 USC
7 1397 to 1397e; all unanticipated federal social services block grant funds received
8 under 42 USC 1397 to 1397e, in accordance with s. 46.49 (2); and all federal moneys
9 received under 42 USC 1396 to 1396v in reimbursement of the cost of preventing
10 out-of-home placements of children, for distribution under s. 46.40. Disbursements
11 from this appropriation may be made directly to counties for social and mental
12 hygiene services under s. 46.03 (20) (b) or 46.031 or directly to counties in accordance
13 with federal requirements for the dispersal of federal funds.

14 **SECTION 419.** 20.435 (8) (mb) of the statutes is amended to read:

15 20.435 (8) (mb) *Income augmentation services receipts.* All moneys that are
16 received under 42 USC 670 to 679a, 42 USC 1395 to 1395ddd, and 42 USC 1396 to
17 1396v as the result of income augmentation activities for which the state has
18 contracted and all moneys that are received under 42 USC 1396 to 1396v in
19 reimbursement of the cost of providing targeted case management services to
20 children whose care is not eligible for reimbursement under 42 USC 670 to 679a, to
21 be used as provided in s. 46.46 and 2007 Wisconsin Act (this act), section 9121
22 (1m). All moneys received under this paragraph in excess of the moneys necessary
23 to support the costs specified in s. 46.46 and 2007 Wisconsin Act (this act), section
24 9121 (1m), shall be deposited in the general fund as a nonappropriated receipt.

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1 **SECTION 420.** 20.435 (8) (mb) of the statutes, as affected by 2007 Wisconsin Act
2 (this act), is amended to read:

3 20.435 **(8)** (mb) *Income augmentation services receipts.* All moneys that are
4 received under ~~42 USC 670 to 679a~~, 42 USC 1395 to 1395ddd, and 42 USC 1396 to
5 1396v as the result of income augmentation activities for which the state has
6 contracted and ~~all moneys that are received under 42 USC 1396 to 1396v in~~
7 ~~reimbursement of the cost of providing targeted case management services to~~
8 ~~children whose care is not eligible for reimbursement under 42 USC 670 to 679a~~, to
9 be used as provided in s. 46.46 and 2007 Wisconsin Act (this act), section ~~9121~~
10 ~~(1m)~~. All moneys received under this paragraph in excess of the moneys necessary
11 to support the costs specified in s. 46.46 and 2007 Wisconsin Act (this act) section
12 ~~9121(1m)~~, shall be deposited in the general fund as a nonappropriated receipt.

13 **SECTION 421.** 20.435 (8) (mm) of the statutes is amended to read:

14 20.435 **(8)** (mm) *Reimbursements from federal government.* All moneys
15 received from the federal government, other than moneys described under ss. 46.46,
16 49.45 (6u), and 49.49, that are intended to reimburse the state for expenditures in
17 previous fiscal years from general purpose revenue appropriations whose purpose
18 includes a requirement to match or secure federal funds and that exceeded in those
19 fiscal years the estimates reflected in the intentions of the legislature and governor,
20 as expressed by them in the budget determinations, and the joint committee on
21 finance, as expressed by the committee in any determinations, and the estimates
22 approved for expenditure by the secretary of administration under s. 16.50 (2), for
23 the purpose of paying federal disallowances, federal sanctions or penalties, and the
24 costs of any corrective action affecting the department of health and family services
25 and for the purpose of paying the costs of high-cost out-of-home care placements of

SENATE BILL 40**SECTION 421**

1 Indian children by tribal courts under 2007 Wisconsin Act (this act), section 9121
2 (1m). Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount
3 determined by the department of administration under s. 16.54 (12) (d) shall lapse
4 to the general fund.

5 **SECTION 422.** 20.435 (8) (mm) of the statutes, as affected by 2007 Wisconsin Act
6 (this act), is amended to read:

7 20.435 **(8)** (mm) *Reimbursements from federal government.* All moneys
8 received from the federal government, other than moneys described under ss. 46.45
9 ~~(2)~~, 46.46, 49.45 (6u), and 49.49, that are intended to reimburse the state for
10 expenditures in previous fiscal years from general purpose revenue appropriations
11 whose purpose includes a requirement to match or secure federal funds and that
12 exceeded in those fiscal years the estimates reflected in the intentions of the
13 legislature and governor, as expressed by them in the budget determinations, and
14 the joint committee on finance, as expressed by the committee in any determinations,
15 and the estimates approved for expenditure by the secretary of administration under
16 s. 16.50 (2), for the purpose of paying federal disallowances, federal sanctions or
17 penalties and the costs of any corrective action affecting the department of health
18 and family services and for the purpose of paying the costs of high-cost out-of-home
19 care placements of Indian children by tribal courts under 2007 Wisconsin Act (this
20 act), section 9121 (1m). Notwithstanding s. 20.001 (3) (c), at the end of each fiscal
21 year, the amount determined by the department of administration under s. 16.54 (12)
22 (d) shall lapse to the general fund.

23 **SECTION 423.** 20.437 (intro.) of the statutes is created to read:

24 **20.437 Children and families, department of.** (intro.) There is
25 appropriated to the department of children and families for the following programs:

SENATE BILL 40**SECTION 424**

1 **SECTION 424.** 20.437 (1) (b) of the statutes is created to read:

2 20.437 (1) (b) *Children and family aids payments.* The amounts in the schedule
3 for services for children and families under s. 48.563, for reimbursement to counties
4 having a population of less than 500,000 for the cost of court attached intake services
5 under s. 48.06 (4), for shelter care under ss. 48.58 and 938.22, and for foster care,
6 treatment foster care, and subsidized guardianship care under ss. 48.645 and 49.19
7 (10). Social services disbursements under s. 49.32 (2) (b) may be made from this
8 appropriation. Refunds received relating to payments made under s. 48.47 (20) (b)
9 for the provision of services for which moneys are appropriated under this paragraph
10 shall be returned to this appropriation. Notwithstanding ss. 20.001 (3) (a) and
11 20.002 (1), the department of children and families may transfer funds between
12 fiscal years under this paragraph. The department shall deposit into this
13 appropriation funds it recovers under s. 48.569 (2) (b), from prior fiscal year audit
14 adjustments. Except for amounts authorized to be carried forward under s. 48.565,
15 all funds recovered under s. 48.569 (2) (b) and all funds allocated under s. 48.563 and
16 not spent or encumbered by December 31 of each year shall lapse to the general fund
17 on the succeeding January 1 unless carried forward to the next calendar year by the
18 joint committee on finance.

19 **SECTION 425.** 20.437 (1) (gg) of the statutes is created to read:

20 20.437 (1) (gg) *Collection remittances to local units of government.* All moneys
21 received under ss. 49.32 (1) and 49.345 for the purposes of remitting departmental
22 collections under s. 49.32 (1) (g) or 49.345 (8) (g).

23 **SECTION 426.** 20.437 (1) (m) of the statutes is created to read:

SENATE BILL 40**SECTION 426**

1 20.437 (1) (m) *Federal project operations*. All moneys received from the federal
2 government or any of its agencies for the state administration of specific limited term
3 projects to be expended for the purposes specified.

4 **SECTION 427.** 20.437 (1) (ma) of the statutes is created to read:

5 20.437 (1) (ma) *Federal project aids*. All moneys received from the federal
6 government or any of its agencies for specific limited term projects to be expended
7 as aids to individuals or organizations for the purposes specified.

8 **SECTION 428.** 20.437 (1) (mb) of the statutes is created to read:

9 20.437 (1) (mb) *Federal project local assistance*. All moneys received from the
10 federal government or any of its agencies for specific limited term projects to be
11 expended as local assistance for the purposes specified.

12 **SECTION 429.** 20.437 (1) (mc) of the statutes is created to read:

13 20.437 (1) (mc) *Federal block grant operations*. All block grant moneys received
14 from the federal government or any of its agencies for the state administration of
15 federal block grants for the purposes specified.

16 **SECTION 430.** 20.437 (1) (md) of the statutes is created to read:

17 20.437 (1) (md) *Federal block grant aids*. All block grant moneys received from
18 the federal government or any of its agencies to be expended as aids to individuals
19 or organizations.

20 **SECTION 431.** 20.437 (1) (n) of the statutes is created to read:

21 20.437 (1) (n) *Federal program operations*. All moneys received from the
22 federal government or any of its agencies for the state administration of continuing
23 programs to be expended for the purposes specified.

24 **SECTION 432.** 20.437 (1) (na) of the statutes is created to read:

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1 20.437 (1) (na) *Federal program aids*. All moneys received from the federal
2 government or any of its agencies for continuing programs to be expended as aids to
3 individuals or organizations for the purposes specified.

4 **SECTION 433.** 20.437 (1) (nL) of the statutes is created to read:

5 20.437 (1) (nL) *Federal program local assistance*. All moneys received from the
6 federal government or any of its agencies for continuing programs to be expended as
7 local assistance.

8 **SECTION 434.** 20.437 (1) (o) of the statutes is created to read:

9 20.437 (1) (o) *Federal aid; children and family aids*. All federal moneys
10 received in amounts pursuant to allocation plans developed by the department for
11 the provision or purchase of services authorized under par. (b); all federal moneys
12 received as child welfare funds under 42 USC 620 to 626 as limited under s. 48.985;
13 all federal temporary assistance for needy families moneys received under 42 USC
14 601 to 619 that are authorized to be used to purchase or provide social services under
15 42 USC 1397 to 1397e; all unanticipated federal social services block grant funds
16 received under 42 USC 1397 to 1397e, in accordance with s. 48.568; for distribution
17 under s. 48.563. Disbursements from this appropriation may be made directly to
18 counties for services to children and families under s. 49.32 (2) (b) or 49.325 or
19 directly to counties in accordance with federal requirements for the dispersal of
20 federal funds.

21 **SECTION 435.** 20.437 (2) of the statutes is created to read:

22 20.437 (2) ECONOMIC SUPPORT. (m) *Federal project operations*. All moneys
23 received from the federal government or any of its agencies for the state
24 administration of specific limited-term projects to be expended for the purposes
25 specified.

SENATE BILL 40**SECTION 435**

1 (na) *Federal program aids.* All moneys received from the federal government
2 or any of its agencies for continuing programs to be expended as local assistance.

3 (nn) *Federal program operations.* All moneys received from the federal
4 government or any of its agencies for the state administration of continuing
5 programs to be expended for the purposes specified.

6 **SECTION 436.** 20.437 (2) (ab) of the statutes, as affected by 2007 Wisconsin Act
7 (this act), is amended to read:

8 20.437 (2) (ab) *Child abuse and neglect prevention and universal home*
9 *visitation grants.* The amounts in the schedule for child abuse and neglect
10 prevention grants under s. 48.983 and for universal home visitation grants under s.
11 48.984.

12 **SECTION 437.** 20.437 (3) of the statutes is created to read:

13 20.437 (3) GENERAL ADMINISTRATION. The amounts indicated in this subsection
14 for expenses not immediately identifiable with a specific program. When
15 practicable, the expenditures from the appropriations under this subsection shall be
16 distributed to the various programs.

17 (a) *General program operations.* The amounts in the schedule for executive,
18 management, and policy and budget services and activities.

19 (i) *Gifts and grants.* All moneys received from gifts, grants, donations, and
20 burial trusts for the execution of the department's functions consistent with the
21 purpose of the gift, grant, donation, or trust.

22 (jb) *Fees for administrative services.* All moneys received from fees charged for
23 providing state mailings, special computer services, training programs, printed
24 materials, and publications, for the purpose of providing state mailings, special
25 computer services, training programs, printed materials, and publications.

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1 (k) *Administrative and support services.* The amounts in the schedule for
2 administrative and support services and products. All moneys received as payment
3 for administrative and support services and products shall be credited to this
4 appropriation.

5 (kx) *Interagency and intra-agency programs.* All moneys received from other
6 state agencies and all moneys received by the department from the department not
7 credited to the appropriation account under par. (k) for the administration of
8 programs or projects for which received.

9 (ky) *Interagency and intra-agency aids.* All moneys received from other state
10 agencies and all moneys received by the department from the department not
11 credited to the appropriation account under par. (k) for aids to individuals and
12 organizations.

13 (kz) *Interagency and intra-agency local assistance.* All moneys received from
14 other state agencies and all moneys received by the department from the department
15 not credited to the appropriation account under par. (k) for local assistance.

16 (m) *Federal project operations.* All moneys received from the federal
17 government or any of its agencies for the state administration of specific limited term
18 projects to be expended for the purposes specified.

19 (ma) *Federal project aids.* All moneys received from the federal government
20 or any of its agencies for specific limited term projects to be expended as aids to
21 individuals or organizations for the purposes specified.

22 (mb) *Federal project local assistance.* All moneys received from the federal
23 government or any of its agencies for specific limited term projects to be expended
24 as local assistance for the purposes specified.

SENATE BILL 40**SECTION 437**

1 (mc) *Federal block grant operations.* All block grant moneys received from the
2 federal government for the state administration of federal block grants for the
3 purposes specified.

4 (md) *Federal block grant aids.* All block grant moneys received from the federal
5 government or any of its agencies to be expended as aids to individuals or
6 organizations.

7 (me) *Federal block grant local assistance.* All block grant moneys received from
8 the federal government or any of its agencies to be expended on local assistance to
9 counties and municipalities.

10 (mm) *Reimbursements from federal government.* All moneys received from the
11 federal government, other than moneys described under ss. 48.565 (2) and 48.567,
12 that are intended to reimburse the state for expenditures in previous fiscal years
13 from general purpose revenue appropriations whose purpose includes a requirement
14 to match or secure federal funds and that exceeded in those fiscal years the estimates
15 reflected in the intentions of the legislature and governor, as expressed by them in
16 the budget determinations, and the joint committee on finance, as expressed by the
17 committee in any determinations, and the estimates approved for expenditure by the
18 secretary of administration under s. 16.50 (2), for the purpose of paying federal
19 disallowances, federal sanctions or penalties and the costs of any corrective action
20 affecting the department of children and families and for the purpose of paying the
21 costs of high-cost out-of-home care placements of Indian children by tribal courts
22 under 2007 Wisconsin Act ... (this act), section 9155 (1m). Notwithstanding s. 20.001
23 (3) (c), at the end of each fiscal year, the amount determined by the department of
24 administration under s. 16.54 (12) (d) shall lapse to the general fund.

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1 (mp) *Income augmentation services receipts.* All moneys that are received
2 under 42 USC 670 to 679a as the result of income augmentation activities for which
3 the state has contracted and all moneys that are received under 42 USC 1396 to
4 1396v in reimbursement of the cost of providing targeted case management services
5 to children whose care is not eligible for reimbursement under 42 USC 670 to 679a,
6 to be used as provided in s. 48.567 and 2007 Wisconsin Act (this act), section 9155
7 (1m). All moneys received under this paragraph in excess of the moneys necessary
8 to support the costs specified in s. 48.567 and 2007 Wisconsin Act (this act), section
9 9155 (1m), shall be deposited into the general fund as a nonappropriated receipt.

10 (n) *Federal program operations.* All moneys received from the federal
11 government or any of its agencies for the state administration of continuing
12 programs to be expended for the purposes specified.

13 (na) *Federal program aids.* All moneys received from the federal government
14 or any of its agencies for continuing programs to be expended as aids to individuals
15 or organizations for the purposes specified.

16 (nL) *Federal program local assistance.* All moneys received from the federal
17 government or any of its agencies for continuing programs to be expended as local
18 assistance for the purposes specified.

19 (pz) *Indirect cost reimbursements.* All moneys received from the federal
20 government as reimbursement of indirect costs of grants and contracts for the
21 purposes authorized in s. 16.54 (9) (b).

22 **SECTION 438.** 20.437 (3) (mm) of the statutes, as created by 2007 Wisconsin Act
23 (this act), is amended to read:

24 20.437 (3) (mm) *Reimbursements from federal government.* All moneys
25 received from the federal government, other than moneys described under ss. 48.565

SENATE BILL 40**SECTION 438**

1 (2) and 48.567, that are intended to reimburse the state for expenditures in previous
2 fiscal years from general purpose revenue appropriations whose purpose includes a
3 requirement to match or secure federal funds and that exceeded in those fiscal years
4 the estimates reflected in the intentions of the legislature and governor, as expressed
5 by them in the budget determinations, and the joint committee on finance, as
6 expressed by the committee in any determinations, and the estimates approved for
7 expenditure by the secretary of administration under s. 16.50 (2), for the purpose of
8 paying federal disallowances, federal sanctions or penalties and the costs of any
9 corrective action affecting the department of children and families ~~and for the~~
10 ~~purpose of paying the costs of high-cost out-of-home care placements of Indian~~
11 ~~children by tribal courts under 2007 Wisconsin Act (this act), section 9155 (1m).~~
12 Notwithstanding s. 20.001 (3) (c), at the end of each fiscal year, the amount
13 determined by the department of administration under s. 16.54 (12) (d) shall lapse
14 to the general fund.

15 **SECTION 439.** 20.437 (3) (mp) of the statutes, as created by 2007 Wisconsin Act
16 (this act), is amended to read:

17 20.437 (3) (mp) *Income augmentation services receipts.* All moneys that are
18 received under 42 USC 670 to 679a as the result of income augmentation activities
19 for which the state has contracted and all moneys that are received under 42 USC
20 1396 to 1396v in reimbursement of the cost of providing targeted case management
21 services to children whose care is not eligible for reimbursement under 42 USC 670
22 to 679a, to be used as provided in s. 48.567 ~~and 2007 Wisconsin Act (this act),~~
23 ~~section 9155 (1m).~~ All moneys received under this paragraph in excess of the moneys
24 necessary to support the costs specified in s. 48.567 ~~and 2007 Wisconsin Act (this~~

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1 act), ~~section 9155 (1m)~~ shall be deposited into the general fund as a nonappropriated
2 receipt.

3 **SECTION 440.** 20.445 (1) (fg) of the statutes is renumbered 20.445 (1) (uz) and
4 amended to read:

5 20.445 (1) (uz) *Employment transit aids, state funds.* The Notwithstanding s.
6 25.40 (3) (b), from the transportation fund, the amounts in the schedule for the
7 employment transit assistance program under s. 106.26.

8 **SECTION 441.** 20.445 (1) (gd) of the statutes is amended to read:

9 20.445 (1) (gd) *Unemployment interest and penalty payments.* ~~From the All~~
10 moneys received as interest and penalties collected under ss. 108.04 (11) (c) and (cm)
11 and (13) (c) and 108.22, assessments under s. 108.19 (1m), and forfeitures under s.
12 103.05 (5), all moneys not appropriated under pars. (ge), (gf), (gg), and (gi), and all
13 moneys transferred to this appropriation account from the appropriation account
14 under par. (gh) for the payment of benefits specified in s. 108.07 (5) and 1987
15 Wisconsin Act 38, section 132 (1) (c), for the payment of interest to employers under
16 s. 108.17 (3m), for research relating to the condition of the unemployment reserve
17 fund under s. 108.14 (6), for administration of the unemployment insurance program
18 and federal or state unemployment insurance programs authorized by the governor
19 under s. 16.54, for satisfaction of any federal audit exception concerning a payment
20 from the unemployment reserve fund or any federal aid disallowance concerning the
21 unemployment insurance program, for renovation and modernization of
22 unemployment insurance information technology systems, for assistance to the
23 department of justice in the enforcement of ch. 108, for the payment of interest due
24 on advances from the federal unemployment account under title XII of the social
25 security act to the unemployment reserve fund, and for payments made to the

SENATE BILL 40**SECTION 441**

1 unemployment reserve fund to obtain a lower interest rate or deferral of interest
2 payments on these advances, except as otherwise provided in s. 108.20.

3 **SECTION 442.** 20.445 (1) (ge) of the statutes is repealed.

4 **SECTION 443.** 20.445 (1) (gf) of the statutes is repealed.

5 **SECTION 444.** 20.445 (1) (gg) of the statutes is repealed.

6 **SECTION 445.** 20.445 (1) (gi) of the statutes is repealed.

7 **SECTION 446.** 20.445 (1) (kb) of the statutes is created to read:

8 20.445 (1) (kb) *Youth summer jobs programs.* All moneys transferred from the
9 appropriation account under s. 20.435 (1) (gm) for youth summer jobs programs in
10 1st class cities under s. 106.17, to be expended for that purpose.

11 **SECTION 447.** 20.445 (3) (title) of the statutes is renumbered 20.437 (2) (title).

12 **SECTION 448.** 20.445 (3) (a) of the statutes is renumbered 20.437 (2) (a).

13 **SECTION 449.** 20.445 (3) (b) of the statutes is created to read:

14 20.445 (3) (b) *Child support local assistance.* As a continuing appropriation,
15 the amounts in the schedule to be distributed as child support incentive payments
16 under s. 49.24 (1).

17 **SECTION 450.** 20.445 (3) (b) of the statutes, as created by 2007 Wisconsin Act
18 (this act), is renumbered 20.437 (2) (b).

19 **SECTION 451.** 20.445 (3) (cm) of the statutes is renumbered 20.437 (2) (cm).

20 **SECTION 452.** 20.445 (3) (cr) of the statutes is renumbered 20.445 (1) (cr).

21 **SECTION 453.** 20.445 (3) (dz) of the statutes is renumbered 20.437 (2) (dz).

22 **SECTION 454.** 20.445 (3) (i) of the statutes is renumbered 20.437 (2) (i).

23 **SECTION 455.** 20.445 (3) (ja) of the statutes is amended to read:

24 20.445 (3) (ja) *Child support state operations — fees and reimbursements.* All
25 moneys received from fees charged under s. 49.22 (8), from fees ordered or otherwise

SENATE BILL 40**SECTION 455**

1 owed under s. 767.57 (1e) (a), from fees collected under ss. 49.854 (11) (b) and 767.57
2 (1e) (b) 1m. and (c), from reimbursements under s. 108.13 (4) (f), from fees charged
3 and incentive payments and collections retained under s. 49.22 (7m), and under s.
4 49.855 (4) from the department of revenue or the department of administration that
5 were withheld by the department of revenue or the internal revenue service for
6 unpaid fees ordered or otherwise owed under s. 767.57 (1e) (a), for costs associated
7 with receiving and disbursing support and support-related payments, including any
8 contract costs, and for administering the program under s. 49.22 and all other
9 purposes specified in s. 49.22.

10 **SECTION 456.** 20.445 (3) (ja) of the statutes, as affected by 2007 Wisconsin Act
11 (this act), is renumbered 20.437 (2) (ja).

12 **SECTION 457.** 20.445 (3) (jb) of the statutes is renumbered 20.437 (2) (jb).

13 **SECTION 458.** 20.445 (3) (jL) of the statutes is renumbered 20.437 (2) (jL).

14 **SECTION 459.** 20.445 (3) (k) of the statutes is amended to read:

15 20.445 (3) (k) *Child support transfers.* All moneys transferred from the
16 appropriation account under par. (r), to be expended under the Wisconsin Works
17 program under subch. III of ch. 49 and under the work experience program for
18 noncustodial parents under s. 49.36, ~~to be distributed as child support incentive~~
19 ~~payments as provided in s. 49.24,~~ for costs associated with receiving and disbursing
20 support and support-related payments, including any contract costs, for
21 administering the program under s. 49.22 and all other purposes specified in s. 49.22,
22 and for the support of dependent children in accordance with applicable federal and
23 state statutes, federal regulations, and state rules.

24 **SECTION 460.** 20.445 (3) (k) of the statutes, as affected by 2007 Wisconsin Act
25 (this act), is renumbered 20.437 (2) (k).

SENATE BILL 40**SECTION 461**

1 **SECTION 461.** 20.445 (3) (kb) of the statutes is created to read:

2 20.445 (3) (kb) *Boys and Girls Clubs.* All moneys transferred from the
3 appropriation account under s. 20.435 (1) (gm) for grants to the Boys and Girls Clubs
4 of Greater Milwaukee for programs under s. 49.177, to be expended for that purpose.

5 **SECTION 462.** 20.445 (3) (kb) of the statutes, as created by 2007 Wisconsin Act
6 (this act), is renumbered 20.437 (2) (kb).

7 **SECTION 463.** 20.445 (3) (kp) of the statutes is renumbered 20.437 (2) (kp).

8 **SECTION 464.** 20.445 (3) (kx) of the statutes is amended to read:

9 20.445 (3) (kx) *Interagency and intra-agency programs.* All moneys received
10 from other state agencies and all moneys received by the department from the
11 department for the administration of programs and projects for which received,
12 including administration of the food stamp employment and training program under
13 s. 49.13, and for local assistance and aids to individuals and organizations relating
14 to economic support.

15 **SECTION 465.** 20.445 (3) (kx) of the statutes, as affected by 2007 Wisconsin Act
16 (this act), is renumbered 20.437 (2) (kx).

17 **SECTION 466.** 20.445 (3) (L) of the statutes is renumbered 20.437 (2) (L).

18 **SECTION 467.** 20.445 (3) (ma) of the statutes is renumbered 20.437 (2) (ma).

19 **SECTION 468.** 20.445 (3) (mc) of the statutes is renumbered 20.437 (2) (mc) and
20 amended to read:

21 20.437 (2) (mc) *Federal block grant operations.* The amounts in the schedule,
22 less the amounts withheld under s. 49.143 (3), for the purposes of operating and
23 administering the block grant programs for which the block grant moneys are
24 received and transferring moneys to the appropriation account under s. ~~20.435 (3)~~
25 sub. (1) (kx). All block grant moneys received for these purposes from the federal

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1 government or any of its agencies for the state administration of federal block grants
2 shall be credited to this appropriation account.

3 **SECTION 469.** 20.445 (3) (md) of the statutes is renumbered 20.437 (2) (md) and
4 amended to read:

5 20.437 **(2)** (md) *Federal block grant aids.* The amounts in the schedule, less
6 the amounts withheld under s. 49.143 (3), for aids to individuals or organizations and
7 to be transferred to the appropriation accounts under ~~ss. 20.435 (3) sub. (1) (kc), (kd),~~
8 ~~and (kx),~~ and ss. 20.435 (4) (kz), (6) (kx), (7) (ky), and (8) (kx) and 20.835 (2) (kf). All
9 block grant moneys received for these purposes from the federal government or any
10 of its agencies and all moneys recovered under s. 49.143 (3) shall be credited to this
11 appropriation account. The department may credit to this appropriation account the
12 amount of any returned check, or payment in other form, that is subject to
13 expenditure in the same contract period in which the original payment attempt was
14 made, regardless of the fiscal year in which the original payment attempt was made.

15 **SECTION 470.** 20.445 (3) (me) of the statutes is renumbered 20.437 (2) (me).

16 **SECTION 471.** 20.445 (3) (mm) of the statutes is renumbered 20.437 (2) (mm)
17 and amended to read:

18 20.437 **(2)** (mm) *Reimbursements from federal government.* All moneys
19 received from the federal government that are intended to reimburse the state for
20 expenditures in previous fiscal years from general purpose revenue appropriations
21 whose purpose includes a requirement to match or secure federal funds and that
22 exceeded in those fiscal years the estimates reflected in the intentions of the
23 legislature and governor, as expressed by them in the budget determinations, and
24 the joint committee on finance, as expressed by the committee in any determinations,
25 and the estimates approved for expenditure by the secretary of administration under

SENATE BILL 40**SECTION 471**

1 s. 16.50 (2), for the purpose of paying federal disallowances, federal sanctions or
2 penalties and the costs of any corrective action affecting the department of ~~workforce~~
3 ~~development~~ children and families. Notwithstanding s. 20.001 (3) (c), at the end of
4 each fiscal year, the amount determined by the department of administration under
5 s. 16.54 (12) (d) shall lapse to the general fund.

6 **SECTION 472.** 20.445 (3) (n) of the statutes is renumbered 20.437 (2) (n).

7 **SECTION 473.** 20.445 (3) (na) of the statutes is renumbered 20.445 (1) (om).

8 **SECTION 474.** 20.445 (3) (nL) of the statutes is renumbered 20.437 (2) (nL).

9 **SECTION 475.** 20.445 (3) (pv) of the statutes is renumbered 20.437 (2) (pv) and
10 amended to read:

11 20.437 (2) (pv) *Electronic benefits transfer.* All moneys received from the
12 federal government for the electronic transfer of benefits administered by the
13 department of ~~workforce development~~ children and families, to be expended for the
14 purposes specified. Estimated disbursements under this paragraph shall not be
15 included in the schedule under s. 20.005.

16 **SECTION 476.** 20.445 (3) (pz) of the statutes is renumbered 20.437 (2) (pz).

17 **SECTION 477.** 20.445 (3) (q) of the statutes is renumbered 20.437 (2) (q).

18 **SECTION 478.** 20.445 (3) (qm) of the statutes is renumbered 20.437 (2) (qm).

19 **SECTION 479.** 20.445 (3) (r) of the statutes is renumbered 20.437 (2) (r) and
20 amended to read:

21 20.437 (2) (r) *Support receipt and disbursement program; payments.* From the
22 support collections trust fund, except as provided in par. (qm), all moneys received
23 under s. 49.854, except for moneys received under s. 49.854 (11) (b), all moneys
24 received under ss. 767.57 and 767.75 for child or family support, maintenance,
25 spousal support, health care expenses, or birth expenses, all other moneys received

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1 under judgments or orders in actions affecting the family, as defined in s. 767.001 (1),
2 and all moneys received under s. 49.855 (4) from the department of revenue or the
3 department of administration that were withheld by the department of revenue or
4 the internal revenue service for delinquent child support, family support, or
5 maintenance or outstanding court-ordered amounts for past support, medical
6 expenses, or birth expenses, for disbursement to the persons for whom the payments
7 are awarded, for returning seized funds under s. 49.854 (5) (f), and, if assigned under
8 s. ~~46.261~~, 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b.,
9 or 49.775 (2) (bm), for transfer to the appropriation account under par. (k). Estimated
10 disbursements under this paragraph shall not be included in the schedule under s.
11 20.005.

12 **SECTION 480.** 20.445 (3) (s) of the statutes is renumbered 20.437 (2) (s).

13 **SECTION 481.** 20.445 (5) (a) of the statutes is amended to read:

14 20.445 (5) (a) *General program operations; purchased services for clients.* ~~The~~
15 As a continuing appropriation, the amounts in the schedule for general program
16 operations, including field services to clients and administrative services, for the
17 purchase of goods and services authorized under ch. 47, and for vocational
18 rehabilitation and other independent living services to persons with disabilities.
19 ~~Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds~~
20 ~~between fiscal years under this paragraph. All funds appropriated for a particular~~
21 ~~fiscal year that are transferred to the next fiscal year and are not spent or~~
22 ~~encumbered by September 30 of that next fiscal year shall lapse to the general fund~~
23 ~~on the succeeding October 1.~~

24 **SECTION 482.** 20.455 (1) (gh) of the statutes is amended to read:

SENATE BILL 40**SECTION 482**

1 20.455 (1) (gh) *Investigation and prosecution.* Moneys received under ss. 23.22
2 (9) (c), 49.49 (6), 100.263, 133.16, 281.98 (2), 283.91 (5), 289.96 (3) (b), 291.97 (3),
3 292.99 (2), 293.87 (4) (b), 295.19 (3) (b) 2., and 299.97 (2), for the expenses of
4 investigation and prosecution of violations, including attorney fees.

5 **SECTION 483.** 20.455 (1) (kt) of the statutes is repealed.

6 **SECTION 484.** 20.455 (2) (e) of the statutes is repealed.

7 **SECTION 485.** 20.455 (2) (gr) of the statutes, as affected by 2005 Wisconsin Act
8 25, is renumbered 20.455 (2) (ky) and amended to read:

9 20.455 (2) (ky) *Handgun purchaser record check.* ~~All moneys received as fee~~
10 ~~payments under s. 175.35 (2i)~~ The amounts in the schedule to provide services under
11 s. 175.35. All moneys transferred from the appropriation account under par. (i) 17.
12 shall be credited to this appropriation account.

13 **SECTION 486.** 20.455 (2) (i) (intro.) of the statutes is amended to read:

14 20.455 (2) (i) ~~Penalty surcharge, receipts~~ Criminal justice program support.
15 (intro.) The amounts in the schedule for the purposes of s. 165.85 (5) (b) and for crime
16 laboratory equipment. All moneys received from the penalty surcharge on court
17 fines and forfeitures under s. 757.05 (2) and all moneys received as fee payments
18 under s. 175.35 (2i) shall be credited to this appropriation account. Moneys may be
19 transferred from this paragraph to pars. (j), (ja), and (jb) by the secretary of
20 administration for expenditures based upon determinations by the department of
21 justice. The following amounts shall be transferred to the following appropriation
22 accounts:

23 **SECTION 487.** 20.455 (2) (i) 8. of the statutes is amended to read:

24 20.455 (2) (i) 8. The amount transferred to s. ~~20.410 (3)~~ 20.505 (6) (kj) shall be
25 the amount in the schedule under s. ~~20.410 (3)~~ 20.505 (6) (kj).

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1 **SECTION 488.** 20.455 (2) (i) 13m. of the statutes is repealed.

2 **SECTION 489.** 20.455 (2) (i) 16. of the statutes is repealed.

3 **SECTION 490.** 20.455 (2) (i) 17. of the statutes is created to read:

4 20.455 **(2)** (i) 17. The amount transferred to par. (ky) shall be the amount in the
5 schedule under par. (ky).

6 **SECTION 491.** 20.455 (2) (kh) of the statutes is repealed.

7 **SECTION 492.** 20.455 (2) (Lm) of the statutes is amended to read:

8 20.455 **(2)** (Lm) *Crime laboratories; deoxyribonucleic acid analysis.* All moneys
9 received from crime laboratories and drug law enforcement surcharges authorized
10 under s. 165.755 and deoxyribonucleic acid analysis surcharges authorized under s.
11 973.046 to provide deoxyribonucleic acid analysis, to administer s. 165.77, to pay for
12 the costs of mailing and materials under s. 165.76 for the submission of biological
13 specimens by the departments of corrections and health and family services and by
14 county sheriffs, and to transfer to the appropriation account under par. (kd) the
15 amounts in the schedule under par. (kd), ~~and to transfer to the appropriation account~~
16 ~~under par. (kh) the amounts in the schedule under par. (kh).~~

17 **SECTION 493.** 20.455 (2) (ma) of the statutes is repealed.

18 **SECTION 494.** 20.455 (5) (b) of the statutes is amended to read:

19 20.455 **(5)** (b) *Awards for victims of crimes.* The amounts in the schedule for
20 the payment of compensation and funeral and burial expenses awards to the victims
21 of crimes under subch. I of ch. 949.

22 **SECTION 495.** 20.455 (5) (d) of the statutes is created to read:

23 20.455 **(5)** (d) *Reimbursement for forensic examinations.* A sum sufficient for
24 the payments of awards under s. 949.26.

25 **SECTION 496.** 20.455 (5) (g) of the statutes is amended to read:

SENATE BILL 40**SECTION 496**

1 20.455 (5) (g) *Crime victim and witness assistance surcharge, general services.*

2 The amounts in the schedule for purposes of ch. 950. All moneys received from part

3 ~~A~~ of any crime victim and witness assistance ~~surecharges~~ surcharge authorized

4 under s. 973.045 (1) that are allocated as part A of the surcharge under s. 973.045

5 ~~(3) (1r) (a) 1., all moneys received from any crime victim and witness assistance~~

6 surcharge authorized under s. 973.045 (1m), and all moneys received from any

7 delinquency victim and witness assistance surecharges surcharge authorized under

8 s. 938.34 (8d) (a) shall be credited to this appropriation account. The department of

9 justice shall transfer from this appropriation account to the appropriation account

10 under par. (kj) the amounts in the schedule under par. (kj).

11 **SECTION 497.** 20.455 (5) (gc) of the statutes is amended to read:

12 20.455 (5) (gc) *Crime victim and witness surcharge, sexual assault victim*

13 *services.* All moneys received from ~~part B~~ of any crime victim and witness assistance

14 ~~surecharges~~ surcharge authorized under s. 973.045 (1) that are allocated as part B of

15 the surcharge under s. 973.045 ~~(3) (1r) (a) 2.,~~ to provide grants for sexual assault

16 victim services under s. 165.93.

17 **SECTION 498.** 20.455 (5) (hh) of the statutes is created to read:

18 20.455 (5) (hh) *Crime victim restitution.* All moneys received by the

19 department under s. 973.20 (9) (b) to provide crime victim restitution.

20 **SECTION 499.** 20.455 (5) (i) of the statutes is amended to read:

21 20.455 (5) (i) *Victim compensation, inmate payments.* All moneys received

22 under s. 303.06 (2) and (3) for the administration of subch. I of ch. 949 and for crime

23 victim compensation payments or services.

24 **SECTION 500.** 20.455 (5) (kj) of the statutes is amended to read:

SENATE BILL 40**SECTION 500**

1 20.455 (5) (kj) *Victim payments, victim surcharge.* The amounts in the schedule
2 for the payment of compensation and funeral and burial expenses awards to the
3 victims of crimes under subch. I of ch. 949. All moneys transferred from the
4 appropriation account under par. (g) shall be credited to this appropriation account.
5 If the department of justice determines that the total of the amounts in this
6 appropriation account and the amounts for compensation and awards to victims of
7 crime under subch. I of ch. 949 in the appropriation accounts under pars. (b), (h), (i)
8 and (m) exceeds the amount needed to fully fund compensation and awards to victims
9 of crimes under subch. I of ch. 949, the department of justice may transfer moneys
10 from this appropriation account to the appropriation account under par. (kk). The
11 amount transferred to the appropriation account under par. (kk) may not exceed the
12 amount by which the total amounts appropriated under this paragraph and pars. (b),
13 (h), (i) and (m) for compensation and awards to victims of crimes under subch. I of
14 ch. 949 exceed the amount needed to fully fund compensation and awards to victims
15 of crimes under subch. I of ch. 949.

16 **SECTION 501.** 20.465 (1) (d) of the statutes is amended to read:

17 20.465 (1) (d) *Principal repayment and interest.* A sum sufficient to reimburse
18 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
19 the acquisition, construction, development, enlargement, or improvement of
20 armories and other military facilities and to make payments under an agreement or
21 ancillary arrangement entered into under s. 18.06 (8) (a).

22 **SECTION 502.** 20.465 (3) (dd) of the statutes is renumbered 20.465 (3) (u) and
23 amended to read:

SENATE BILL 40**SECTION 502**

1 20.465 (3) (u) *Regional emergency response teams.* The Notwithstanding s.
2 25.40 (3) (b), from the transportation fund, the amounts in the schedule for payments
3 to regional emergency response teams under s. 166.215 (1).

4 **SECTION 503.** 20.465 (3) (dp) of the statutes is renumbered 20.465 (3) (v) and
5 amended to read:

6 20.465 (3) (v) *Emergency response equipment.* The Notwithstanding s. 25.40
7 (3) (b), from the transportation fund, the amounts in the schedule for grants for the
8 costs of computers and emergency response equipment under s. 166.21 (2) (br).

9 **SECTION 504.** 20.465 (3) (dr) of the statutes is renumbered 20.465 (3) (x) and
10 amended to read:

11 20.465 (3) (x) *Emergency response supplement.* As Notwithstanding s. 25.40
12 (3) (b), as a continuing appropriation, from the transportation fund, the amounts in
13 the schedule to be used for response costs of a regional emergency response team that
14 are not reimbursed under s. 166.215 (2) or (3) and for response costs of a local agency
15 that are not reimbursed under s. 166.22 (4).

16 **SECTION 505.** 20.465 (3) (dt) of the statutes is renumbered 20.465 (3) (w) and
17 amended to read:

18 20.465 (3) (w) *Emergency response training.* ~~Biennially,~~ Notwithstanding s.
19 25.40 (3) (b), biennially, from the transportation fund, the amounts in the schedule
20 for the division of emergency management to provide training for emergency
21 response to releases of hazardous substances.

22 **SECTION 506.** 20.465 (3) (f) of the statutes is renumbered 20.465 (3) (y) and
23 amended to read:

SENATE BILL 40**SECTION 506**

1 20.465 (3) (y) *Civil air patrol aids.* The Notwithstanding s. 25.40 (3) (b), from
2 the transportation fund, the amounts in the schedule to provide assistance to the
3 civil air patrol under s. 166.03 (2) (a) 5.

4 **SECTION 507.** 20.465 (3) (s) of the statutes is amended to read:

5 20.465 (3) (s) *Major disaster assistance; petroleum inspection fund.* From the
6 petroleum inspection fund, as a continuing appropriation, the amounts in the
7 schedule to provide payments for damages and costs incurred as the result of a major
8 disaster.

9 **SECTION 508.** 20.485 (1) (a) of the statutes is created to read:

10 20.485 (1) (a) *Aids to indigent veterans.* The amounts in the schedule for the
11 payment of assistance to indigent veterans under s. 45.43 to enable the veterans to
12 reside at the Wisconsin Veterans Home at Union Grove.

13 **SECTION 509.** 20.485 (1) (f) of the statutes is amended to read:

14 20.485 (1) (f) *Principal repayment and interest.* A sum sufficient to reimburse
15 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
16 the acquisition, construction, development, enlargement, or improvement of
17 facilities provided under s. 20.866 (2) (x) and (z) and to make payments under an
18 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

19 **SECTION 510.** 20.485 (1) (go) of the statutes is amended to read:

20 20.485 (1) (go) *Self-amortizing facilities; principal repayment and interest.*
21 From the moneys received for providing housing services at Wisconsin veterans
22 homes under s. 45.50 and the Northern Wisconsin Center for the Developmentally
23 Disabled, a sum sufficient to reimburse s. 20.866 (1) (u) for the principal and interest
24 costs incurred in acquiring, constructing, developing, enlarging or improving
25 facilities at Wisconsin veterans homes under s. 45.50 and the Northern Wisconsin

SENATE BILL 40**SECTION 510**

1 Center for the Developmentally Disabled and, to make the payments determined by
2 the building commission under s. 13.488 (1) (m) that are attributable to the proceeds
3 of obligations incurred in financing such facilities, and to make payments under an
4 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

5 **SECTION 511.** 20.485 (2) (a) of the statutes is created to read:

6 20.485 (2) (a) *General program operations; loans and aids.* From the general
7 fund, the amounts in the schedule for general program operations of providing loans
8 and aids to veterans.

9 **SECTION 512.** 20.485 (2) (ac) of the statutes is created to read:

10 20.485 (2) (ac) *Veterans assistance.* From the general fund, the amounts in the
11 schedule for general program operations of the veterans assistance program under
12 s. 45.43.

13 **SECTION 513.** 20.485 (2) (am) of the statutes is created to read:

14 20.485 (2) (am) *Payments for outreach for homeless veterans.* From the general
15 fund, the amounts in the schedule for the payments under 2007 Wisconsin Act
16 (this act), section 9153 (1). No money may be encumbered or expended from this
17 appropriation after June 30, 2009.

18 **SECTION 514.** 20.485 (2) (m) of the statutes is amended to read:

19 20.485 (2) (m) *Federal aid payments; veterans training assistance.* All moneys
20 received from the federal government for ~~the education and training of war orphans~~
21 assistance to veterans and their dependents to be expended for the purposes
22 specified or for the use of department facilities to be expended for any purpose
23 authorized by law.

24 **SECTION 515.** 20.485 (3) (t) of the statutes is amended to read:

SENATE BILL 40**SECTION 515**

1 20.485 (3) (t) *Debt service.* As a continuing appropriation from the veterans
2 mortgage loan repayment fund, all moneys deposited and held in accounts in the
3 veterans mortgage loan repayment fund to reimburse s. 20.866 (1) (u) for the
4 payment of debt service costs incurred in providing veterans mortgage loans under
5 s. 45.37 (6) (a) and for debt service costs incurred in contracting public debt for any
6 of the purposes under s. 18.04 (5), for these purposes and to make payments under
7 an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

8 **SECTION 516.** 20.485 (4) (qm) of the statutes is amended to read:

9 20.485 (4) (qm) *Repayment of principal and interest.* From the veterans trust
10 fund, a sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and
11 interest costs incurred in financing the acquisition, construction, development,
12 enlargement, or improvement of veterans cemeteries provided under s. 20.866 (2) (z)
13 and to make payments under an agreement or ancillary arrangement entered into
14 under s. 18.06 (8) (a).

15 **SECTION 3.** 20.505 (1) (is) of the statutes is amended to read:

16 20.505 (1) (is) *Information technology and communications services; nonstate*
17 *entities.* From the sources specified in ss. 16.972 (2) (b) and (c), 16.974 (2) and (3),
18 and 16.997 (2) (d), to provide computer, telecommunications, electronic
19 communications, and supercomputer services, but not integrated business
20 information system services under s. 16.971 (2) (cf). to state authorities, units of the
21 federal government, local governmental units, and entities in the private sector, the
22 amounts in the schedule.

23 **SECTION 4.** 20.505 (1) (iv) of the statutes is created to read:

24 20.505 (1) (iv) *Integrated business information system; nonstate entities.* All
25 moneys received from any authority, as defined in s. 16.97 (2), or local governmental

SENATE BILL 40**SECTION 4**

1 unit, as defined in s. 16.97 (7), for information system purposes under s. 16.971 (2)
2 (cf), to be used for those purposes.

3 **SECTION 517.** 20.505 (1) (kd) of the statutes is created to read:

4 20.505 (1) (kd) *Integrated business information system.* All moneys received
5 from any agency, as defined in s. 16.97 (1m), for information technology purposes
6 under s. 16.971 (2) (cf), to be used for those purposes.

7 **SECTION 5.** 20.505 (1) (kL) of the statutes is amended to read:

8 20.505 (1) (kL) *Printing, mail, communication, and information technology*
9 *services; agencies.* From the sources specified in ss. 16.971, 16.972, 16.973, and
10 16.974 (3), to provide printing, mail processing, electronic communications, and
11 information technology development, management, and processing services, but not
12 integrated business information system services under s. 16.971 (2) (cf), to state
13 agencies, the amounts in the schedule.

14 **SECTION 518.** 20.505 (1) (kr) of the statutes is created to read:

15 20.505 (1) (kr) *Legal services.* All moneys received from assessments levied
16 against state agencies under s. 16.004 (15) (b) for legal services provided by the
17 department of administration to be used for providing those legal services.

18 **SECTION 519.** 20.505 (2) (am) of the statutes is amended to read:

19 20.505 (2) (am) *Costs and judgments.* ~~The amounts in the schedule~~ A sum
20 sufficient for costs and judgments under s. 175.40 (6m) (c) 1. or 2.

21 **SECTION 520.** 20.505 (4) (bm) of the statutes is created to read:

22 20.505 (4) (bm) *Aid to The Wisconsin Covenant Foundation, Inc.* The amounts
23 in the schedule for aids to The Wisconsin Covenant Foundation, Inc., to be used for
24 promoting attendance at nonprofit postsecondary educational institutions in this
25 state and for salary, travel, and other expenses directly incurred by The Wisconsin

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1 Covenant Foundation, Inc., in its postsecondary education promotional activities,
2 subject to s. 16.257 (2).

3 **SECTION 521.** 20.505 (4) (br) of the statutes is created to read:

4 20.505 (4) (br) *Character education grants.* The amounts in the schedule for
5 grants to school districts for character education training under s. 16.257 (4).

6 **SECTION 522.** 20.505 (4) (dr) of the statutes is repealed.

7 **SECTION 523.** 20.505 (4) (es) of the statutes is amended to read:

8 20.505 (4) (es) *Principal, interest, and rebates; general purpose revenue —*
9 *schools.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal
10 and interest costs incurred in financing educational technology infrastructure
11 financial assistance to school districts under s. 16.995 and, to make full payment of
12 the amounts determined by the building commission under s. 13.488 (1) (m), to the
13 extent that these costs and payments are not paid under par. (ha), and to make
14 payments under an agreement or ancillary arrangement entered into under s. 18.06
15 (8) (a).

16 **SECTION 524.** 20.505 (4) (et) of the statutes is amended to read:

17 20.505 (4) (et) *Principal, interest, and rebates; general purpose revenue —*
18 *public library boards.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment
19 of principal and interest costs incurred in financing educational technology
20 infrastructure financial assistance to public library boards under s. 16.995 and, to
21 make full payment of the amounts determined by the building commission under s.
22 13.488 (1) (m), to the extent that these costs and payments are not paid under par.
23 (hb), and to make payments under an agreement or ancillary arrangement entered
24 into under s. 18.06 (8) (a).

25 **SECTION 525.** 20.505 (4) (ha) of the statutes is amended to read:

SENATE BILL 40**SECTION 525**

1 20.505 (4) (ha) *Principal, interest, and rebates; program revenue — schools.* All
2 moneys received under s. 16.995 (3) to reimburse s. 20.866 (1) (u) for the payment of
3 principal and interest costs incurred in financing educational technology
4 infrastructure financial assistance to school districts under s. 16.995 and, to make
5 full payment of the amounts determined by the building commission under s. 13.488
6 (1) (m), and to make payments under an agreement or ancillary arrangement
7 entered into under s. 18.06 (8) (a).

8 **SECTION 526.** 20.505 (4) (hb) of the statutes is amended to read:

9 20.505 (4) (hb) *Principal, interest, and rebates; program revenue — public*
10 *library boards.* All moneys received under s. 16.995 (3) to reimburse s. 20.866 (1) (u)
11 for the payment of principal and interest costs incurred in financing educational
12 technology infrastructure financial assistance to public library boards under s.
13 16.995 and, to make full payment of the amounts determined by the building
14 commission under s. 13.488 (1) (m), and to make payments under an agreement or
15 ancillary arrangement entered into under s. 18.06 (8) (a).

16 **SECTION 527.** 20.505 (4) (kp) of the statutes is amended to read:

17 20.505 (4) (kp) *Hearings and appeals fees.* The amounts in the schedule for
18 hearings and appeals services to the department of health and family services under
19 s. 227.43 (1) (bu), the department of ~~workforce development~~ children and families
20 under s. 227.43 (1) (by), and to all agencies under s. 227.43 (1m). All moneys received
21 from the fees charged under s. 227.43 (3) (c), (d), and (e) shall be credited to this
22 appropriation account.

23 **SECTION 528.** 20.505 (4) (mg) of the statutes is created to read:

SENATE BILL 40**SECTION 528**

1 20.505 (4) (mg) *Council on developmental disabilities; federal aid.* All federal
2 moneys received under 42 USC 15021 to 15029 for the council on developmental
3 disabilities, for the purposes for which provided.

4 **SECTION 529.** 20.505 (4) (mp) of the statutes is amended to read:

5 20.505 (4) (mp) *Federal e-rate aid.* All federal moneys received under 47 USC
6 254 for the provision of educational telecommunications access to educational
7 agencies under s. 16.997 to pay administrative expenses relating to the receipt and
8 disbursement of those federal moneys ~~and, to reimburse pars. (es) and (et) as~~
9 ~~provided in s. 16.995 (3m), and, to the extent that sufficient moneys for the provision~~
10 ~~of that access are available after payment of those expenses and that reimbursement,~~
11 ~~to make payments to telecommunications providers that under contracts under s.~~
12 ~~16.971 (13), (14), (15), or (16) provide that access to educational agencies that are~~
13 ~~eligible for a rate discount for telecommunications services under 47 USC 254; and~~
14 all federal moneys received under 47 USC 254 for the provision of additional
15 educational telecommunications access to educational agencies under s. 16.998 to
16 reduce the rates charged those educational agencies for those services as provided
17 in s. 16.998.

18 **SECTION 530.** 20.505 (4) (mr) of the statutes is repealed.

19 **SECTION 531.** 20.505 (4) (s) of the statutes is amended to read:

20 20.505 (4) (s) *Telecommunications access; school districts.* Biennially, from the
21 universal service fund, the amounts in the schedule to make payments to
22 telecommunications providers under contracts under s. 16.971 (13) to the extent that
23 the amounts due are not paid from the appropriation under sub. (1) (is), and to make
24 grants to school district consortia under s. 16.997 (7), ~~and, prior to January 1, 2006,~~
25 ~~to make grants to school districts under s. 16.997 (6).~~

SENATE BILL 40**SECTION 532**

1 **SECTION 532.** 20.505 (4) (tm) of the statutes is amended to read:

2 20.505 **(4)** (tm) *Telecommunications access; private schools.* Biennially, from
3 the universal service fund, the amounts in the schedule to make payments to
4 telecommunications providers under contracts under s. 16.971 (15) to the extent that
5 the amounts due are not paid from the appropriation under sub. (1) (is) ~~and, prior~~
6 ~~to January 1, 2006, to make grants to private schools under s. 16.997 (6).~~

7 **SECTION 533.** 20.505 (5) (c) of the statutes is amended to read:

8 20.505 **(5)** (c) *Principal repayment and interest; Black Point Estate.* A sum
9 sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs
10 incurred in adapting for public use the property known as Black Point Estate and to
11 make payments under an agreement or ancillary arrangement entered into under
12 s. 18.06 (8) (a).

13 **SECTION 534.** 20.505 (5) (g) of the statutes is amended to read:

14 20.505 **(5)** (g) *Principal repayment, interest and rebates; parking.* From the fees
15 collected under s. 16.843 (2) (cm), a sum sufficient to reimburse s. 20.866 (1) (u) for
16 the payment of principal and interest costs incurred in financing land acquisition for
17 and construction of parking located in the city of Madison, ~~and to make the payments~~
18 ~~determined by the building commission under s. 13.488 (1) (m) that are attributable~~
19 ~~to the proceeds of obligations incurred in financing parking, and to make payments~~
20 under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

21 **SECTION 535.** 20.505 (5) (kc) of the statutes is amended to read:

22 20.505 **(5)** (kc) *Principal repayment, interest and rebates.* All moneys
23 transferred from par. (ka), to be transferred to the appropriation under s. 20.866 (1)
24 (u) for the payment of principal and interest costs incurred in financing the
25 acquisition, construction, development, enlargement or improvement of facilities

SENATE BILL 40**SECTION 535**

1 housing state agencies and, to make the payments determined by the building
2 commission under s. 13.488 (1) (m) that are attributable to the proceeds of
3 obligations incurred in financing such facilities, and to make payments under an
4 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

5 **SECTION 536.** 20.505 (6) (b) of the statutes is amended to read:

6 20.505 (6) (b) *Alternatives to prosecution and incarceration for persons who use*
7 *alcohol or other drugs; presentencing assessments.* The amounts in the schedule for
8 making grants to counties under s. 16.964 (12) (b) and entering into contracts under
9 s. 16.964 (12) (j) and for making grants under 2007 Wisconsin Act ... (this act),
10 section 9101 (4).

11 **SECTION 537.** 20.505 (6) (e) of the statutes is created to read:

12 20.505 (6) (e) *Indigent civil legal services.* The amounts in the schedule to
13 provide grants for the provision of civil legal services to indigent persons under s.
14 16.964 (14).

15 **SECTION 538.** 20.505 (6) (f) of the statutes is created to read:

16 20.505 (6) (f) *Law enforcement officer supplement grants to 1st class cities.* The
17 amounts in the schedule to provide grants for uniformed law enforcement officers
18 under s. 16.964 (5m).

19 **SECTION 539.** 20.505 (6) (k) of the statutes is amended to read:

20 20.505 (6) (k) *Law enforcement programs and youth diversion —*
21 *administration.* The amounts in the schedule for administering grants for law
22 enforcement assistance and for administering the youth diversion program under s.
23 16.964 (8). All moneys transferred from the appropriation account under s. 20.455
24 (2) (i) 13. shall be credited to this appropriation account.

25 **SECTION 540.** 20.505 (6) (kc) of the statutes is repealed.

SENATE BILL 40**SECTION 541**

1 **SECTION 541.** 20.505 (8) (hm) 2m. of the statutes is repealed.

2 **SECTION 542.** 20.505 (8) (hm) 4d. of the statutes is created to read:

3 20.505 **(8)** (hm) 4d. The amount transferred to s. 20.245 (1) (k) shall be the
4 amount in the schedule under s. 20.245 (1) (k).

5 **SECTION 543.** 20.510 (1) (e) of the statutes is created to read:

6 20.510 **(1)** (e) *Funding for future public financing; general purpose revenue.* As
7 a continuing appropriation, the amounts in the schedule to provide funding for public
8 financing of campaigns for state office under future legislation.

9 **SECTION 544.** 20.545 (1) (a) of the statutes is amended to read:

10 20.545 **(1)** (a) *General program operations.* The amounts in the schedule to
11 administer the employment relations functions and the civil service system under
12 ~~subch.~~ subchs. V and VI of ch. 111 and ch. 230, to pay awards under s. 230.48 and to
13 defray the expenses of the state employees suggestion board.

14 **SECTION 545.** 20.545 (1) (km) of the statutes is amended to read:

15 20.545 **(1)** (km) *Collective bargaining grievance arbitrations.* The amounts in
16 the schedule for the payment of the state's share of costs related to collective
17 bargaining grievance arbitrations under s. 111.86. All moneys received from state
18 agencies for the purpose of reimbursing the state's share of the costs related to
19 grievance arbitrations under s. 111.86 and to reimburse the state's share of costs for
20 training related to grievance arbitrations shall be credited to this appropriation
21 account.

22 **SECTION 546.** 20.550 (1) (f) of the statutes is amended to read:

23 20.550 **(1)** (f) *Transcripts, discovery, and interpreters.* The amounts in the
24 schedule for the costs of interpreters and discovery materials and for the
25 compensation of court reporters or clerks of circuit court for preliminary

SENATE BILL 40**SECTION 546**

1 examination, trial, and appeal transcripts, and the payment of related costs under
2 s. 967.06 (3).

3 **SECTION 547.** 20.550 (1) (L) of the statutes is amended to read:

4 20.550 (1) (L) *Private bar and investigator reimbursement; payments for legal*
5 *representation.* All moneys received, after first deducting the amounts appropriated
6 under par. (fb), from persons as payment for legal representation to be used for the
7 reimbursement of private attorneys appointed to act as counsel for a child or an
8 indigent person under s. 977.08 and for reimbursement for contracting for services
9 of private investigators.

10 **SECTION 548.** 20.566 (1) (go) of the statutes is renumbered 20.566 (2) (hm).

11 **SECTION 549.** 20.566 (1) (hb) of the statutes is created to read:

12 20.566 (1) (hb) *Collections by the department.* From moneys received from the
13 collection of extraordinary, targeted state delinquent taxes, the amounts in the
14 schedule to pay for the costs of collecting those taxes. Notwithstanding s. 20.001 (3)
15 (a), at the end of the fiscal year, the unencumbered balance of this appropriation
16 account lapses to the general fund.

17 **SECTION 550.** 20.566 (1) (ho) of the statutes is created to read:

18 20.566 (1) (ho) *Collections under multistate streamlined sales tax project.* From
19 moneys collected under the multistate streamlined sales tax project as provided
20 under s. 73.03 (28e), a sum sufficient to pay the dues necessary to participate in the
21 governing board of the multistate streamlined sales tax project.

22 **SECTION 551.** 20.566 (1) (hp) (title) of the statutes is amended to read:

23 20.566 (1) (hp) (title) *Administration of endangered resources; professional*
24 *football district; breast cancer research; fire fighters memorial; veterans trust fund;*

SENATE BILL 40**SECTION 551**

1 ~~multiple sclerosis programs; prostate cancer research~~ income tax checkoff voluntary
2 payments.

3 **SECTION 552.** 20.566 (2) (am) of the statutes is repealed.

4 **SECTION 553.** 20.566 (2) (b) of the statutes is created to read:

5 20.566 **(2)** (b) *Integrated property assessment system technology.* The amounts
6 in the schedule for technology expenses necessary to create an integrated property
7 assessment system, including expenses necessary to publish the manual under s.
8 73.03 (2a) on the Internet.

9 **SECTION 554.** 20.566 (2) (hi) of the statutes is repealed.

10 **SECTION 555.** 20.566 (3) (gm) of the statutes is amended to read:

11 20.566 **(3)** (gm) *Reciprocity agreement and publications.* The amounts in the
12 schedule to provide services for the Minnesota income tax reciprocity agreement
13 under s. 71.10 (7) and for publications except as provided in par. (g) and sub. (2) ~~(hi)~~
14 (b). All moneys received by the department of revenue in return for the provision of
15 these services shall be credited to this appropriation. Notwithstanding s. 20.001 (3)
16 (a), at the end of the 2006–07 fiscal year, the unencumbered balance of this
17 appropriation account shall lapse to the general fund.

18 **SECTION 556.** 20.585 (1) (k) of the statutes is amended to read:

19 20.585 **(1)** (k) *Unclaimed property; administrative expenses.* ~~From All moneys~~
20 ~~transferred from the appropriation account under par. (j), the amounts in the~~
21 ~~schedule for~~ to pay the administrative expenses incurred in administering ch. 177.

22 **SECTION 557.** 20.625 (1) (q) of the statutes is created to read:

23 20.625 **(1)** (q) *Circuit court support payments.* From the county aid fund, the
24 amounts in the schedule to make payments to each county under s. 758.19 (5).

25 **SECTION 558.** 20.680 (2) (j) of the statutes is amended to read:

SENATE BILL 40**SECTION 558**

1 20.680 (2) (j) *Court information systems.* All moneys received under s. 758.19
2 (4m), all moneys received under ss. 814.61, 814.62, and 814.63 that are required to
3 be credited to this appropriation account under those sections, and one-half of the
4 moneys received under s. 814.86 (1) for the operation of circuit court automated
5 information systems under s. 758.19 (4).

6 **SECTION 559.** 20.835 (1) (c) of the statutes is amended to read:

7 20.835 (1) (c) *Expenditure restraint program account.* A sum sufficient to make
8 the payments under s. 79.05. No moneys may be encumbered or expended from this
9 appropriation after December 31, 2008.

10 **SECTION 560.** 20.835 (1) (cb) of the statutes is created to read:

11 20.835 (1) (cb) *Municipal levy restraint payment account.* Beginning in 2009,
12 a sum sufficient to make the payments to municipalities under s. 79.051 (4) (a).

13 **SECTION 561.** 20.835 (1) (cd) of the statutes is created to read:

14 20.835 (1) (cd) *Municipal levy restraint bonus payment account.* Beginning in
15 2009, a sum sufficient to make the payments to municipalities under s. 79.051 (4) (b).

16 **SECTION 562.** 20.835 (1) (cf) of the statutes is created to read:

17 20.835 (1) (cf) *County levy restraint payment account.* Beginning in 2009, a
18 sum sufficient to make the payments to counties under s. 79.052 (4) (a).

19 **SECTION 563.** 20.835 (1) (cg) of the statutes is created to read:

20 20.835 (1) (cg) *County levy restraint bonus payment account.* Beginning in
21 2009, a sum sufficient to make the payments to counties under s. 79.052 (4) (b).

22 **SECTION 564.** 20.835 (1) (d) of the statutes is amended to read:

23 20.835 (1) (d) *Shared revenue account.* A sum sufficient to meet the
24 requirements of the shared revenue account established under s. 79.01 (2) to provide

SENATE BILL 40**SECTION 564**

1 for the distributions from the shared revenue account to ~~counties~~, towns, villages and
2 cities under ss. 79.03, 79.04 (1) to (4), and 79.06.

3 **SECTION 565.** 20.835 (1) (db) of the statutes is amended to read:

4 20.835 (1) (db) ~~County and municipal~~ Municipal aid account. Beginning in
5 2004, a A sum sufficient to make payments to ~~counties~~, towns, villages, and cities
6 under s. ss. 79.035 and 79.043.

7 **SECTION 566.** 20.835 (1) (dc) of the statutes is created to read:

8 20.835 (1) (dc) *County aid account; supplemental*. A sum sufficient to make
9 payments to counties under ss. 79.035, 79.04, and 79.043, less the amounts paid from
10 the appropriation account under s. 20.835 (1) (q).

11 **SECTION 567.** 20.835 (1) (dm) of the statutes is amended to read:

12 20.835 (1) (dm) *Public utility distribution account*. Beginning in 2005, a sum
13 sufficient to make the payments to municipalities under s. 79.04 (5), (6), and (7).

14 **SECTION 568.** 20.835 (1) (q) of the statutes is created to read:

15 20.835 (1) (q) *County aid account*. From the county aid fund, a sum sufficient
16 to make payments to counties under ss. 79.035, 79.04, and 79.043.

17 **SECTION 569.** 20.835 (2) (kf) of the statutes is amended to read:

18 20.835 (2) (kf) *Earned income tax credit; temporary assistance for needy*
19 *families*. The amounts in the schedule to be used to pay, to the extent permitted
20 under federal law, the claims approved under s. 71.07 (9e). All moneys transferred
21 from the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (md) shall be credited
22 to this appropriation account.

23 **SECTION 570.** 20.835 (3) (b) of the statutes is amended to read:

24 20.835 (3) (b) *School levy tax credit and first dollar credit*. A sum sufficient to
25 make the payments under s. 79.10 (4) and (5m).

SENATE BILL 40**SECTION 571**

1 **SECTION 571.** 20.855 (1) (a) of the statutes is amended to read:

2 20.855 (1) (a) *Obligation on operating notes.* A sum sufficient to pay principal,
3 interest and premium, if any, due on operating notes, including amounts due on
4 periodic payments, and to make payments under an agreement or ancillary
5 arrangement entered into under s. 18.73 (5) (a), pursuant to resolutions authorizing
6 the issuance of the operating notes under s. 18.73 (1).

7 **SECTION 572.** 20.855 (4) (f) of the statutes is repealed.

8 **SECTION 573.** 20.855 (4) (rm) of the statutes is created to read:

9 20.855 (4) (rm) *Supplemental title fee transfer.* Notwithstanding s. 25.40 (3),
10 from the transportation fund, a sum sufficient equal to the amount of supplemental
11 title fees collected under s. 342.14 (3m), as determined under s. 85.037, to be
12 transferred to the environmental fund on October 1 annually.

13 **SECTION 574.** 20.855 (4) (vm) of the statutes is created to read:

14 20.855 (4) (vm) *Transfer to affordable housing trust fund.* From the county aid
15 fund, the amounts in the schedule to be transferred to the affordable housing trust
16 fund.

17 **SECTION 575.** 20.855 (8) (a) of the statutes is amended to read:

18 20.855 (8) (a) *Dental clinic and education facility; principal repayment, interest*
19 *and rebates.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of
20 principal and interest costs incurred in financing the construction grant under s.
21 13.48 (32), and to make the payments determined by the building commission under
22 s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in
23 financing the construction grant under s. 13.48 (32), and to make payments under
24 an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

25 **SECTION 576.** 20.865 (1) (ci) of the statutes is amended to read:

SENATE BILL 40**SECTION 576**

1 20.865 (1) (ci) *Nonrepresented university system senior executive, faculty and*
2 *academic pay adjustments.* A sum sufficient to pay the cost of pay and related
3 adjustments approved by the joint committee on employment relations under s.
4 230.12 (3) (e) for University of Wisconsin System employees under ss. 20.923 (4g), (5)
5 and (6) (m) and 230.08 (2) (d) who are not included within a collective bargaining unit
6 for which a representative is certified under subch. V or VI of ch. 111, as determined
7 under s. 20.928, other than adjustments funded under par. (cj).

8 **SECTION 577.** 20.865 (1) (cm) of the statutes is created to read:

9 20.865 (1) (cm) *Represented university system faculty and academic staff pay*
10 *adjustments.* A sum sufficient to supplement the appropriations to the Board of
11 Regents of the University of Wisconsin System for the cost of compensation and
12 related adjustments approved by the legislature under s. 111.9991 for University of
13 Wisconsin System employees under s. 230.08 (2) (d) who are included within a
14 collective bargaining unit for which a representative is certified under subch. VI of
15 ch. 111, as determined under s. 20.928.

16 **SECTION 578.** 20.865 (1) (ic) of the statutes is amended to read:

17 20.865 (1) (ic) *Nonrepresented university system senior executive, faculty and*
18 *academic pay adjustments.* From the appropriate program revenue and program
19 revenue–service accounts, a sum sufficient to supplement the appropriations to the
20 University of Wisconsin System to pay the cost of pay and related adjustments
21 approved by the joint committee on employment relations under s. 230.12 (3) (e) for
22 University of Wisconsin System employees under ss. 20.923 (4g), (5) and (6) (m) and
23 230.08 (2) (d) who are not included within a collective bargaining unit for which a
24 representative is certified under subch. V or VI of ch. 111, as determined under s.
25 20.928, other than adjustments funded under par. (cj).

SENATE BILL 40**SECTION 579**

1 **SECTION 579.** 20.865 (1) (im) of the statutes is created to read:

2 20.865 (1) (im) *Represented university system faculty and academic staff pay*
3 *adjustments; program revenue.* From the appropriate program revenue and program
4 revenue–service accounts, a sum sufficient to supplement the appropriations to the
5 Board of Regents of the University of Wisconsin System for the cost of compensation
6 and related adjustments approved by the joint committee on employment relations
7 under s. 230.12 (3) (e) for University of Wisconsin System employees under s. 230.08
8 (2) (d) who are included within a collective bargaining unit for which a representative
9 is certified under subch. VI of ch. 111, as determined under s. 20.928.

10 **SECTION 580.** 20.865 (1) (si) of the statutes is amended to read:

11 20.865 (1) (si) *Nonrepresented university system senior executive, faculty and*
12 *academic pay adjustments.* From the appropriate segregated funds, a sum sufficient
13 to supplement the appropriations to the University of Wisconsin System to pay the
14 cost of pay and related adjustments approved by the joint committee on employment
15 relations under s. 230.12 (3) (e) for University of Wisconsin System employees under
16 ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included within a
17 collective bargaining unit for which a representative is certified under subch. V or
18 VI of ch. 111, as determined under s. 20.928.

19 **SECTION 581.** 20.865 (1) (sm) of the statutes is created to read:

20 20.865 (1) (sm) *Represented university system faculty and academic staff pay*
21 *adjustments; segregated revenues.* From the appropriate segregated funds, a sum
22 sufficient to supplement the appropriations to the Board of Regents of the University
23 of Wisconsin System for the cost of compensation and related adjustments approved
24 by the joint committee on employment relations under s. 230.12 (3) (e) for University
25 of Wisconsin System employees under s. 230.08 (2) (d) who are included within a

SENATE BILL 40**SECTION 581**

1 collective bargaining unit for which a representative is certified under subch. VI of
2 ch. 111, as determined under s. 20.928.

3 **SECTION 6.** 20.865 (2) (i) of the statutes is created to read:

4 20.865 (2) (i) *Integrated business information system; program revenues.* From
5 the appropriate program revenue and program revenue–service accounts, a sum
6 sufficient to supplement the appropriations to state agencies to cover costs incurred
7 by state agencies under s. 16.971 (2) (cf) in excess of budgeted amounts.

8 **SECTION 7.** 20.865 (2) (r) of the statutes is created to read:

9 20.865 (2) (r) *Integrated business information system; segregated revenues.*
10 From the appropriate segregated funds, a sum sufficient to supplement the
11 appropriations to state agencies to cover costs incurred by state agencies under s.
12 16.971 (2) (cf) in excess of budgeted amounts.

13 **SECTION 582.** 20.866 (intro.) of the statutes is amended to read:

14 **20.866 Public debt.** (intro.) There are irrevocably appropriated to the bond
15 security and redemption fund and to the capital improvement fund, as a first charge
16 upon all revenues of this state, sums sufficient for payment of principal, interest and
17 premium due, if any, on public debt contracted under subchs. I and IV of ch. 18. There
18 are also irrevocably appropriated to the bond security and redemption fund and to
19 the capital improvement fund, as a first charge upon all revenues of this state, sums
20 sufficient for the payment due, if any, under an agreement or ancillary arrangement
21 entered into under s. 18.06 (8) (a) relating to any public debt contracted under
22 subchs. I and IV of ch. 18.

23 **SECTION 583.** 20.866 (1) (u) of the statutes is amended to read:

24 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys
25 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b), (f), and (s), 20.190

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1 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),
2 20.255 (1) (d), 20.285 (1) (d), (db), (im), (in), (je), (jq), (kd), (km), and (ko) and (5) (i),
3 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar), (at), (au), (bq), (br),
4 (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ea), (eq), and (er), 20.395 (6) (af), (aq), (ar), ~~and~~ (au),
5 and (bq), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1)
6 (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb) and
7 (5) (c), (g) and (kc), 20.855 (8) (a) and 20.867 (1) (a) and (b) and (3) (a), (b), (bm), (bp),
8 (bq), (br), (bt), (g), (h), (i), and (q) for the payment of principal ~~and~~ interest ~~on~~,
9 premium due, if any, and payment due, if any, under an agreement or ancillary
10 arrangement entered into under s. 18.06 (8) (a) relating to any public debt contracted
11 under subchs. I and IV of ch. 18.

12 **SECTION 584.** 20.866 (2) (ta) of the statutes is amended to read:

13 20.866 (2) (ta) *Natural resources; Warren Knowles–Gaylord Nelson*
14 *stewardship 2000 program.* From the capital improvement fund a sum sufficient for
15 the Warren Knowles–Gaylord Nelson stewardship 2000 program under s. 23.0917.
16 The state may contract public debt in an amount not to exceed ~~\$572,000,000~~
17 \$1,622,000,000 for this program. Except as provided in s. 23.0917 (4g) (b), (4m) (k),
18 (5) and (5m), the amounts obligated, as defined in s. 23.0917 (1) (e), under this
19 paragraph may not exceed \$46,000,000 in fiscal year 2000–01, may not exceed
20 \$46,000,000 in fiscal year 2001–02, ~~and~~ may not exceed \$60,000,000 in each fiscal
21 year beginning with fiscal year 2002–03 and ending with fiscal year 2009–10, and
22 may not exceed \$105,000,000 in each fiscal year beginning with fiscal year 2010–11
23 and ending with fiscal year 2019–20.

24 **SECTION 585.** 20.866 (2) (tc) of the statutes is amended to read:

SENATE BILL 40**SECTION 585**

1 20.866 (2) (tc) *Clean water fund program*. From the capital improvement fund,
2 a sum sufficient for the purposes of s. 281.57 (10m) and (10r) and to be transferred
3 to the environmental improvement fund for the purposes of the clean water fund
4 program under ss. 281.58 and 281.59. The state may contract public debt in an
5 amount not to exceed ~~\$637,743,200~~ \$687,243,200 for this purpose. Of this amount,
6 the amount needed to meet the requirements for state deposits under 33 USC 1382
7 is allocated for those deposits. Of this amount, \$8,250,000 is allocated to fund the
8 minority business development and training program under s. 200.49 (2) (b).
9 Moneys from this appropriation account may be expended for the purposes of s.
10 281.57 (10m) and (10r) only in the amount by which the department of natural
11 resources and the department of administration determine that moneys available
12 under par. (tn) are insufficient for the purposes of s. 281.57 (10m) and (10r).

13 **SECTION 586.** 20.866 (2) (td) of the statutes is amended to read:

14 20.866 (2) (td) *Safe drinking water loan program*. From the capital
15 improvement fund, a sum sufficient to be transferred to the environmental
16 improvement fund for the safe drinking water loan program under s. 281.61. The
17 state may contract public debt in an amount not to exceed ~~\$32,310,000~~ \$38,400,000
18 for this purpose.

19 **SECTION 587.** 20.866 (2) (te) of the statutes is amended to read:

20 20.866 (2) (te) *Natural resources; nonpoint source grants*. From the capital
21 improvement fund, a sum sufficient for the department of natural resources to
22 provide funds for nonpoint source water pollution abatement projects under s. 281.65
23 and to provide the grant under 2003 Wisconsin Act 33, section 9138 (3f). The state
24 may contract public debt in an amount not to exceed ~~\$89,310,400~~ \$94,310,400 for this
25 purpose.

SENATE BILL 40**SECTION 588**

1 **SECTION 588.** 20.866 (2) (tf) of the statutes is amended to read:

2 20.866 (2) (tf) *Natural resources; nonpoint source.* From the capital
3 improvement fund, a sum sufficient for the department of natural resources to fund
4 nonpoint source water pollution abatement projects under s. 281.65 (4c). The state
5 may contract public debt in an amount not to exceed ~~\$4,000,000~~ \$11,000,000 for this
6 purpose.

7 **SECTION 589.** 20.866 (2) (tg) of the statutes is amended to read:

8 20.866 (2) (tg) *Natural resources; environmental repair.* From the capital
9 improvement fund, a sum sufficient for the department of natural resources to fund
10 investigations and remedial action under s. 292.11 (7) (a) or 292.31 and remedial
11 action under s. 281.83 and for payment of this state's share of environmental repair
12 that is funded under 42 USC 6991 to 6991i or 42 USC 9601 to 9675. The state may
13 contract public debt in an amount not to exceed ~~\$51,000,000~~ \$54,000,000 for this
14 purpose. Of this amount, \$7,000,000 is allocated for remedial action under s. 281.83.

15 **SECTION 590.** 20.866 (2) (th) of the statutes is amended to read:

16 20.866 (2) (th) *Natural resources; urban nonpoint source cost-sharing.* From
17 the capital improvement fund, a sum sufficient for the department of natural
18 resources to provide cost-sharing grants for urban nonpoint source water pollution
19 abatement and storm water management projects under s. 281.66 and to provide
20 municipal flood control and riparian restoration cost-sharing grants under s.
21 281.665. The state may contract public debt in an amount not to exceed ~~\$23,900,000~~
22 \$29,900,000 for this purpose. Of this amount, \$500,000 is allocated in fiscal
23 biennium 2001–03 for dam rehabilitation grants under s. 31.387.

24 **SECTION 591.** 20.866 (2) (ti) of the statutes is created to read:

SENATE BILL 40**SECTION 591**

1 20.866 (2) (ti) *Natural resources; contaminated sediment removal.* From the
2 capital improvement fund, a sum sufficient for the department of natural resources
3 to fund removal of contaminated sediment under s. 281.87. The state may contract
4 public debt in an amount not to exceed \$17,000,000 for this purpose.

5 **SECTION 592.** 20.866 (2) (up) of the statutes is amended to read:

6 20.866 (2) (up) *Transportation; rail passenger route development.* From the
7 capital improvement fund, a sum sufficient for the department of transportation to
8 fund rail passenger route development under s. 85.061 (3). The state may contract
9 public debt in an amount not to exceed ~~\$50,000,000~~ \$82,000,000 for this purpose. Of
10 this amount, not more than \$10,000,000 may be used to fund the purposes specified
11 in s. 85.061 (3) (a) 2. and 3.

12 **SECTION 593.** 20.866 (2) (uup) of the statutes is amended to read:

13 20.866 (2) (uup) *Transportation; Marquette interchange and I 94 north-south*
14 *corridor reconstruction project projects.* From the capital improvement fund, a sum
15 sufficient for the department of transportation to fund the Marquette interchange
16 reconstruction project under s. 84.014, as provided under s. 84.555, and the
17 reconstruction of the I 94 north-south corridor, as provided under s. 84.555 (1m) (a).
18 The state may contract public debt in an amount not to exceed \$213,100,000
19 \$303,300,000 for ~~this purpose~~ these purposes.

20 **SECTION 594.** 20.866 (2) (uv) of the statutes is amended to read:

21 20.866 (2) (uv) *Transportation, harbor improvements.* From the capital
22 improvement fund, a sum sufficient for the department of transportation to provide
23 grants for harbor improvements. The state may contract public debt in an amount
24 not to exceed ~~\$40,700,000~~ \$53,400,000 for this purpose.

25 **SECTION 595.** 20.866 (2) (uw) of the statutes is amended to read:

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1 20.866 (2) (uw) *Transportation; rail acquisitions and improvements.* From the
2 capital improvement fund, a sum sufficient for the department of transportation to
3 acquire railroad property under ss. 85.08 (2) (L) and 85.09; and to provide grants and
4 loans for rail property acquisitions and improvements under s. 85.08 (4m) (c) and (d).
5 The state may contract public debt in an amount not to exceed \$44,500,000
6 \$66,500,000 for these purposes.

7 **SECTION 596.** 20.866 (2) (we) of the statutes is amended to read:

8 20.866 (2) (we) *Agriculture; soil and water.* From the capital improvement
9 fund, a sum sufficient for the department of agriculture, trade and consumer
10 protection to provide for soil and water resource management under s. 92.14. The
11 state may contract public debt in an amount not to exceed ~~\$26,075,000~~ \$33,075,000
12 for this purpose.

13 **SECTION 597.** 20.866 (2) (zn) of the statutes is amended to read:

14 20.866 (2) (zn) *Veterans affairs; self-amortizing mortgage loans.* From the
15 capital improvement fund, a sum sufficient for the department of veterans affairs for
16 loans to veterans under s. 45.37 (6) (a). The state may contract public debt in an
17 amount not to exceed ~~\$2,120,840,000~~ \$2,170,840,000 for this purpose.

18 **SECTION 598.** 20.867 (1) (a) of the statutes is amended to read:

19 20.867 (1) (a) *Principal repayment and interest; housing of state agencies.* A
20 sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest
21 costs incurred in financing the housing of state agencies and to make payments
22 under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

23 **SECTION 599.** 20.867 (1) (b) of the statutes is amended to read:

24 20.867 (1) (b) *Principal repayment and interest; capitol and executive residence.*
25 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and

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1 interest costs incurred in financing building projects at the capitol and executive
2 residence and to make payments under an agreement or ancillary arrangement
3 entered into under s. 18.06 (8) (a).

4 **SECTION 600.** 20.867 (3) (a) of the statutes is amended to read:

5 20.867 (3) (a) *Principal repayment and interest.* A sum sufficient to pay all
6 principal repayment and interest costs on tax-supported borrowing which is not
7 initially allocable to the respective programs and to make payments under an
8 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

9 **SECTION 601.** 20.867 (3) (b) of the statutes is amended to read:

10 20.867 (3) (b) *Principal repayment and interest.* A sum sufficient to reimburse
11 s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing
12 capital improvements for other public purposes authorized by law but not otherwise
13 specified in this chapter and to make payments under an agreement or ancillary
14 arrangement entered into under s. 18.06 (8) (a).

15 **SECTION 602.** 20.867 (3) (bm) of the statutes is amended to read:

16 20.867 (3) (bm) *Principal repayment, interest, and rebates; HR Academy, Inc.*
17 A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and
18 interest costs incurred in financing the construction of a youth and family center for
19 HR Academy, Inc., in the city of Milwaukee, ~~and~~ to make the payments determined
20 by the building commission under s. 13.488 (1) (m) that are attributable to the
21 proceeds of obligations incurred in financing the construction of a youth and family
22 center for the HR Academy, Inc., and to make payments under an agreement or
23 ancillary arrangement entered into under s. 18.06 (8) (a).

24 **SECTION 603.** 20.867 (3) (bp) of the statutes is amended to read:

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1 20.867 (3) (bp) *Principal repayment, interest and rebates.* A sum sufficient to
2 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
3 in financing the construction of a Swiss cultural center in the village of New Glarus,
4 ~~and~~ to make the payments determined by the building commission under s. 13.488
5 (1) (m) that are attributable to the proceeds of obligations incurred in financing the
6 construction of a Swiss cultural center in the village of New Glarus, and to make
7 payments under an agreement or ancillary arrangement entered into under s. 18.06
8 (8) (a).

9 **SECTION 604.** 20.867 (3) (bq) of the statutes is amended to read:

10 20.867 (3) (bq) *Principal repayment, interest and rebates; children's research*
11 *institute.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal
12 and interest costs incurred in financing the construction of a children's research
13 institute in the city of Wauwatosa, to make the payments determined by the building
14 commission under s. 13.488 (1) (m) that are attributable to the proceeds of
15 obligations incurred in financing the construction of the institute, and to make
16 payments under an agreement or ancillary arrangement entered into under s. 18.06
17 (8) (a).

18 **SECTION 605.** 20.867 (3) (br) of the statutes is amended to read:

19 20.867 (3) (br) *Principal repayment, interest and rebates.* A sum sufficient to
20 reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred
21 in financing the construction of the youth activities center specified in s. 13.48 (34),
22 ~~and~~ to make the payments determined by the building commission under s. 13.488
23 (1) (m) that are attributable to the proceeds of obligations incurred in financing the
24 construction of that the youth activities center, and to make payments under an
25 agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

SENATE BILL 40**SECTION 606**

1 **SECTION 606.** 20.867 (3) (bt) of the statutes is amended to read:

2 20.867 **(3)** (bt) *Principal repayment, interest, and rebates; Discovery Place*
3 *museum.* A sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal
4 and interest costs incurred in financing the construction grant under s. 13.48 (32r),
5 ~~and~~ to make the payments determined by the building commission under s. 13.488
6 (1) (m) that are attributable to the proceeds of obligations incurred in financing the
7 construction grant under s. 13.48 (32r), and to make payments under an agreement
8 or ancillary arrangement entered into under s. 18.06 (8) (a).

9 **SECTION 607.** 20.867 (3) (g) of the statutes is amended to read:

10 20.867 **(3)** (g) *Principal repayment, interest and rebates; program revenues.*
11 From the appropriate program revenue accounts, a sum sufficient to pay all principal
12 and interest costs on self-amortizing borrowing issued under s. 20.866 (2) which are
13 not initially allocable to the respective programs ~~and~~, to make any payments
14 determined by the building commission under s. 13.488 (1) (m) on the proceeds of
15 such borrowing, and to make payments under an agreement or ancillary
16 arrangement entered into under s. 18.06 (8) (a).

17 **SECTION 608.** 20.867 (3) (h) of the statutes is amended to read:

18 20.867 **(3)** (h) *Principal repayment, interest, and rebates.* A sum sufficient to
19 guarantee full payment of principal and interest costs for self-amortizing or
20 partially self-amortizing facilities enumerated under ss. 20.190 (1) (j), 20.245 (1) (j),
21 20.285 (1) (im), (je), (jq), (kd), (km), and (ko), 20.370 (7) (eq) and 20.485 (1) (go) if
22 moneys available in those appropriations are insufficient to make full payment, ~~and~~
23 to make full payment of the amounts determined by the building commission under
24 s. 13.488 (1) (m) if the appropriation under s. 20.190 (1) (j), 20.245 (1) (j), 20.285 (1)
25 (im), (je), (jq), (kd), (km), or (ko), or 20.485 (1) (go) is insufficient to make full payment

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1 of those amounts, and to make payments under an agreement or ancillary
2 arrangement entered into under s. 18.06 (8) (a). All amounts advanced under the
3 authority of this paragraph shall be repaid to the general fund whenever the balance
4 of the appropriation for which the advance was made is sufficient to meet any portion
5 of the amount advanced. The department of administration may take whatever
6 action is deemed necessary including the making of transfers from program revenue
7 appropriations and corresponding appropriations from program receipts in
8 segregated funds and including actions to enforce contractual obligations that will
9 result in additional program revenue for the state, to ensure recovery of the amounts
10 advanced.

11 **SECTION 609.** 20.867 (3) (i) of the statutes is amended to read:

12 20.867 (3) (i) *Principal repayment, interest and rebates; capital equipment.* A
13 sum sufficient to pay principal and interest on public debt contracted under s. 20.866
14 (2) (ym) ~~and~~, to make the payments determined by the building commission under
15 s. 13.488 (1) (m) that are attributable to the proceeds of obligations contracted under
16 s. 20.866 (2) (ym) for programs financed from program revenue or program
17 revenue–service appropriations, and to make payments under an agreement or
18 ancillary arrangement entered into under s. 18.06 (8) (a). All payments under this
19 paragraph shall be repaid to the general fund from the revenues of state agencies for
20 which capital equipment is financed under s. 20.866 (2) (ym).

21 **SECTION 610.** 20.867 (3) (q) of the statutes is amended to read:

22 20.867 (3) (q) *Principal repayment and interest; segregated revenues.* From the
23 appropriate segregated funds, a sum sufficient to pay all principal and interest costs
24 on self–amortizing borrowing issued under s. 20.866 (2) which are not initially

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1 allocable to the respective programs and to make payments under an agreement or
2 ancillary arrangement entered into under s. 18.06 (8) (a).

3 **SECTION 611.** 20.903 (2) (b) of the statutes is amended to read:

4 20.903 (2) (b) Notwithstanding sub. (1), liabilities may be created and moneys
5 expended from the appropriations under ss. 20.370 (8) (mt), 20.395 (4) (eq), (er) and
6 (es) and 20.505 (1) (im), (ka), (kb), ~~and (kc)~~, (kd), and (kL) in an additional amount
7 not exceeding the depreciated value of equipment for operations financed under ss.
8 20.370 (8) (mt), 20.395 (4) (eq), (er) and (es) and 20.505 (1) (im), (ka), (kb), ~~and (kc)~~,
9 (kd), and (kL). The secretary of administration may require such statements of
10 assets and liabilities as he or she deems necessary before approving expenditure
11 estimates in excess of the unexpended moneys in the appropriation account.

12 **SECTION 612.** 20.907 (5) (e) 6. of the statutes is amended to read:

13 20.907 (5) (e) 6. Advances from ~~child-caring institutions~~ residential care
14 centers for children and youth and counties and moneys receivable from counties
15 under s. 46.037 49.343.

16 **SECTION 613.** 20.917 (3) (b) of the statutes is amended to read:

17 20.917 (3) (b) This subsection applies to employees in all positions in the civil
18 service, including those employees in positions included in collective bargaining
19 units under subch. V or VI of ch. 111, whether or not the employees are covered by
20 a collective bargaining agreement.

21 **SECTION 614.** 20.921 (2) (a) of the statutes is amended to read:

22 20.921 (2) (a) Whenever it becomes necessary in pursuance of any federal or
23 state law or court-ordered assignment of income under s. 46.10 (14) (e), 49.345 (14)
24 (e), 301.12 (14) (e), 767.225 (1) (L), 767.513 (3), or 767.75 to make deductions from
25 the salaries of state officers or employees or employees of the University of Wisconsin

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1 Hospitals and Clinics Authority, the state agency or authority by which the officers
2 or employees are employed is responsible for making such those deductions and
3 paying over the total ~~thereof~~ of those deductions for the purposes provided by the
4 laws or orders under which they were made.

5 **SECTION 615.** 20.923 (4) (b) 6. of the statutes is amended to read:

6 20.923 (4) (b) 6. Parole Earned release review commission: chairperson.

7 **SECTION 616.** 20.923 (4) (b) 7. of the statutes is amended to read:

8 20.923 (4) (b) 7. ~~Sentencing commission: executive~~ Bureau of criminal justice
9 research: staff director.

10 **SECTION 617.** 20.923 (4) (d) 7. of the statutes is renumbered 20.923 (4) (f) 7t.

11 **SECTION 618.** 20.923 (4) (d) 10s. of the statutes is renumbered 20.923 (4) (f) 8m.

12 **SECTION 619.** 20.923 (4) (e) 5. of the statutes is renumbered 20.923 (4) (f) 7v.

13 **SECTION 620.** 20.923 (4) (e) 7. of the statutes is renumbered 20.923 (4) (f) 8e.

14 **SECTION 621.** 20.923 (4) (e) 10. of the statutes is renumbered 20.923 (4) (f) 8h.

15 **SECTION 622.** 20.923 (4) (f) 2d. of the statutes is created to read:

16 20.923 (4) (f) 2d. Children and families, department of: secretary.

17 **SECTION 623.** 20.923 (4) (f) 2g. of the statutes is renumbered 20.923 (4) (h) 2g.

18 **SECTION 624.** 20.923 (4) (f) 4. of the statutes is renumbered 20.923 (4) (g) 6.

19 **SECTION 625.** 20.923 (4) (h) 5. of the statutes is created to read:

20 20.923 (4) (h) 5. Health and family services, department of: secretary.

21 **SECTION 626.** 20.923 (4) (i) of the statutes is repealed.

22 **SECTION 627.** 20.923 (6) (intro.) of the statutes is amended to read:

23 20.923 (6) SALARIES SET BY APPOINTING AUTHORITIES. (intro.) Salaries for the
24 following positions may be set by the appointing authority, subject to restrictions
25 otherwise set forth in the statutes and the compensation plan under s. 230.12, except

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1 where the salaries are a subject of bargaining with a certified representative of a
2 collective bargaining unit under s. 111.91 or 111.998:

3 **SECTION 628.** 20.923 (6) (bd) of the statutes is amended to read:

4 20.923 (6) (bd) ~~Health and family services~~ Children and families, department
5 of: director of the office of urban development.

6 **SECTION 629.** 20.923 (6) (hr) of the statutes is amended to read:

7 20.923 (6) (hr) ~~Sentencing commission~~ Bureau of criminal justice research:
8 deputy staff director.

9 **SECTION 630.** 20.923 (12) of the statutes is amended to read:

10 20.923 (12) OTHER DEPARTMENT OF REGULATION AND LICENSING POSITIONS. The
11 salaries for division administrators and bureau directors appointed under s. 440.04
12 (6) shall not exceed the maximum of the salary range for executive salary group 4 3.

13 **SECTION 631.** 20.927 (1m) of the statutes is amended to read:

14 20.927 (1m) Except as provided under subs. (2) and (3), no funds of this state
15 or of any county, city, village, town or ~~family~~ long-term care district under s. 46.2895
16 or of any subdivision or agency of this state or of any county, city, village or town and
17 no federal funds passing through the state treasury shall be authorized for or paid
18 to a physician or surgeon or a hospital, clinic or other medical facility for the
19 performance of an abortion.

20 **SECTION 632.** 20.9275 (1) (b) of the statutes is amended to read:

21 20.9275 (1) (b) “Local governmental unit” means a city, village, town, county
22 or ~~family~~ long-term care district under s. 46.2895 or an agency or subdivision of a
23 city, village, town, or county.

24 **SECTION 633.** 20.9275 (2) (intro.) of the statutes is amended to read:

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1 20.9275 **(2)** (intro.) No state agency or local governmental unit may authorize
2 payment of funds of this state, of any local governmental unit or, subject to sub. (3m),
3 of federal funds passing through the state treasury as a grant, subsidy or other
4 funding that wholly or partially or directly or indirectly involves pregnancy
5 programs, projects or services, that is a grant, subsidy or other funding under s.
6 ~~46.99, 46.995, 48.487, 48.545,~~ 253.05, 253.07, 253.08, or 253.085 or 42 USC 701 to
7 710, if any of the following applies:

8 **SECTION 634.** 20.928 (1) of the statutes is amended to read:

9 20.928 **(1)** Each state agency head shall certify to the department of
10 administration, at such time and in such manner as the secretary of administration
11 prescribes, the sum of money needed by the state agency from the appropriations
12 under s. 20.865 (1) (c), (ci), ~~(cm),~~ (cj), (d), (i), (ic), ~~(im),~~ (j), (s), (si), ~~(sm),~~ and (t). Upon
13 receipt of the certifications together with such additional information as the
14 secretary of administration prescribes, the secretary shall determine the amounts
15 required from the respective appropriations to supplement state agency budgets.

16 **SECTION 635.** 20.931 of the statutes is created to read:

17 **20.931 False claims; actions by or on behalf of state. (1)** In this section:

18 (a) “Authority” has the meaning given in s. 16.70 (2).

19 (b) “Claim” includes any request or demand for money, property, or services
20 made to any officer, employee, or agent of this state, or to any contractor, grantee, or
21 other recipient, whether or not under contract, if any portion of the money, property,
22 or services that are requested or demanded is derived from state resources, or if the
23 state is obligated to reimburse the contractor, grantee, or other recipient for any
24 portion of the money, property, or services that are requested or demanded.

25 (c) “Employer” includes all agencies and authorities.

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1 (d) “Knowingly” means, with respect to information, having actual knowledge
2 of the information, acting in deliberate ignorance of the truth or falsity of the
3 information, or acting in reckless disregard of the truth or falsity of the information.
4 “Knowingly” does not mean specifically intending to defraud.

5 (e) “Proceeds” includes damages, civil penalties, surcharges, payments for costs
6 of compliance, and any other economic benefit realized by this state as a result of an
7 action or settlement of a claim.

8 (f) “State public official” has the meaning given in s. 19.42 (14).

9 **(2)** Except as provided in subs. (3) and (4), any person who does any of the
10 following is liable to this state for 3 times the amount of the damages sustained by
11 this state because of the actions of the person, and shall forfeit not less than \$5,000
12 nor more than \$10,000 for each violation:

13 (a) Knowingly presents or causes to be presented to any officer, employee, or
14 agent of this state, or to any contractor, grantee, or other recipient of state resources,
15 a false claim for payment or approval.

16 (b) Knowingly makes, uses, or causes to be made or used a false record or
17 statement to obtain approval or payment of a false claim.

18 (c) Conspires to defraud this state by obtaining allowance or payment of a false
19 claim, or by knowingly making or using, or causing to be made or used, a false record
20 or statement to conceal, avoid, or decrease an obligation to pay or transmit money
21 or property to this state.

22 (d) Has possession, custody, or control of property used or to be used by this
23 state and knowingly delivers or causes to be delivered less property than the amount
24 for which the person receives a certificate or receipt.

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1 (e) Being authorized to make or deliver a document certifying receipt of
2 property that is used or to be used by this state, knowingly makes or delivers a receipt
3 that falsely represents the property that is used or to be used.

4 (f) Knowingly buys or receives as a pledge for payment of an obligation or debt
5 for this state property from any person who lawfully may not sell or pledge the
6 property.

7 (g) Knowingly makes, uses, or causes to be made or used a false record or
8 statement to conceal, avoid, or decrease any obligation to pay or transmit money or
9 property to this state.

10 (h) Is a beneficiary of the submission of a false claim to any officer, employee,
11 or agent of this state, or to any contractor, grantee, or other recipient of state
12 resources, knows that the claim is false, and fails to disclose the false claim to this
13 state within a reasonable time after the person becomes aware that the claim is false.

14 **(3)** The court may assess against a person who violates sub. (2) not less than
15 2 nor more than 3 times the amount of the damages sustained by the state because
16 of the acts of the person, and shall not assess any forfeiture, if the court finds all of
17 the following:

18 (a) The person who commits the acts furnished the attorney general with all
19 information known to the person about the acts within 30 days after the date on
20 which the person obtained the information.

21 (b) The person fully cooperated with any investigation of the acts by this state.

22 (c) At the time that the person furnished the attorney general with information
23 concerning the acts, no criminal prosecution or civil or administrative enforcement
24 action had been commenced with respect to any such act, and the person did not have
25 actual knowledge of the existence of any investigation into any such act.

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1 **(4)** Subsections (1) to (3) do not apply to any claim, record, statement, or return
2 made under chs. 70 to 79.

3 **(5)** (a) Except as provided in subs. (10) and (12), any person may bring a civil
4 action as a qui tam plaintiff against a person who commits an act in violation of sub.
5 (2) for the person and the state in the name of the state.

6 (b) The plaintiff shall serve upon the attorney general a copy of the complaint
7 and documents disclosing substantially all material evidence and information that
8 the person possesses. The plaintiff shall file a copy of the complaint with the court
9 for inspection in camera. Except as provided in par. (c), the complaint shall remain
10 under seal for a period of 60 days from the date of filing, and shall not be served upon
11 the defendant until the court so orders. Within 60 days from the date of service upon
12 the attorney general of the complaint, evidence, and information under this
13 paragraph, the attorney general may intervene in the action.

14 (c) The attorney general may, for good cause shown, move the court for one or
15 more extensions of the period during which a complaint in an action under this
16 subsection remains under seal.

17 (d) Before the expiration of the period during which the complaint remains
18 under seal, the attorney general shall do one of the following:

19 1. Proceed with the action or an alternate remedy under sub. (10), in which case
20 the action or proceeding under sub. (10) shall be prosecuted by the state.

21 2. Notify the court that he or she declines to proceed with the action, in which
22 case the person bringing the action may proceed with the action.

23 (e) If a person brings a valid action under this subsection, no person other than
24 the state may intervene or bring a related action while the original action is pending
25 based upon the same facts underlying the pending action.

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1 (f) In any action or other proceeding under sub. (10) brought under this
2 subsection, the plaintiff is required to prove all essential elements of the cause of
3 action or complaint, including damages, by a preponderance of the evidence.

4 **(6)** If the state proceeds with an action under sub. (5) or an alternate remedy
5 under sub. (10), the state has primary responsibility for prosecuting the action or
6 proceeding under sub. (10). The state is not bound by any act of the person bringing
7 the action, but that person has the right to continue as a party to the action, subject
8 to the limitations under sub. (7).

9 **(7) (a)** The state may move to dismiss an action under sub. (5) or an
10 administrative proceeding under sub. (10) to which the state is a party for good cause
11 shown, notwithstanding objection of the person bringing the action, if that person is
12 served with a copy of the state's motion and is provided with an opportunity to oppose
13 the motion before the court or the administrative agency before which the proceeding
14 is conducted.

15 **(b)** With the approval of the governor, the attorney general may compromise
16 and settle an action under sub. (5) or an administrative proceeding under sub. (10)
17 to which the state is a party, notwithstanding objection of the person bringing the
18 action, if the court determines, after affording to the person bringing the action the
19 right to a hearing at which the person is afforded the opportunity to present evidence
20 in opposition to the proposed settlement, that the proposed settlement is fair,
21 adequate, and reasonable considering the relevant circumstances pertaining to the
22 violation.

23 **(c)** Upon a showing by the state that unrestricted participation in the
24 prosecution of an action under sub. (5) or an alternate proceeding to which the state
25 is a party by the person bringing the action would interfere with or unduly delay the

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1 prosecution of the action or proceeding, or would result in consideration of
2 repetitious or irrelevant evidence or evidence presented for purposes of harassment,
3 the court may limit the person's participation in the prosecution, such as:

4 1. Limiting the number of witnesses that the person may call.

5 2. Limiting the length of the testimony of the witnesses.

6 3. Limiting the cross-examination of witnesses by the person.

7 4. Otherwise limiting the participation by the person in the prosecution of the
8 action or proceeding.

9 (d) Upon showing by a defendant that unrestricted participation in the
10 prosecution of an action under sub. (5) or alternate proceeding under sub. (10) to
11 which the state is a party by the person bringing the action would result in
12 harassment or would cause the defendant undue burden or unnecessary expense, the
13 court may limit the person's participation in the prosecution.

14 **(8)** Except as provided in sub. (7), if the state elects not to participate in an
15 action filed under sub. (5), the person bringing the action may prosecute the action.
16 If the attorney general so requests, the attorney general shall, at the state's expense,
17 be served with copies of all pleadings and deposition transcripts in the action. If the
18 person bringing the action initiates prosecution of the action, the court, without
19 limiting the status and rights of that person, may permit the state to intervene at a
20 later date upon showing by the state of good cause for the proposed intervention.

21 **(9)** Whether or not the state participates in an action under sub. (5), upon
22 showing in camera by the attorney general that discovery by the person bringing the
23 action would interfere with the state's ongoing investigation or prosecution of a
24 criminal or civil matter arising out of the same facts as the facts upon which the
25 action is based, the court may stay such discovery in whole or in part for a period of

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1 not more than 60 days. The court may extend the period of any such stay upon
2 further showing in camera by the attorney general that the state has pursued the
3 criminal or civil investigation of the matter with reasonable diligence and the
4 proposed discovery in the action brought under sub. (5) will interfere with the
5 ongoing criminal or civil investigation or prosecution.

6 **(10)** The attorney general may pursue a claim relating to an alleged violation
7 of sub. (2) through an alternate remedy available to the state or any state agency,
8 including an administrative proceeding to assess a civil forfeiture. If the attorney
9 general elects any such alternate remedy, the attorney general shall serve timely
10 notice of his or her election upon the person bringing the action under sub. (5), and
11 that person has the same rights in the alternate venue as the person would have had
12 if the action had continued under sub. (5). Any finding of fact or conclusion of law
13 made by a court or by a state agency in the alternate venue that has become final is
14 conclusive upon all parties named in an action under sub. (5). For purposes of this
15 subsection, a finding or conclusion is final if it has been finally determined on appeal,
16 if all time for filing an appeal or petition for review with respect to the finding or
17 conclusion has expired, or if the finding or conclusion is not subject to judicial review.

18 **(11)** (a) Except as provided in pars. (b) and (e), if the state proceeds with an
19 action brought by a person under sub. (5) or the state pursues an alternate remedy
20 relating to the same acts under sub. (10), the person who brings the action shall
21 receive at least 15 percent but not more than 25 percent of the proceeds of the action
22 or settlement of the claim, depending upon the extent to which the person
23 contributed to the prosecution of the action or claim.

24 (b) Except as provided in par. (e), if an action or claim is one in which the court
25 or other adjudicator finds to be based primarily upon disclosures of specific

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1 information not provided by the person who brings an action under sub. (5) relating
2 to allegations or transactions specifically in a criminal, civil, or administrative
3 hearing, or in a legislative or administrative report, hearing, audit, or investigation,
4 or report made by the news media, the court or other adjudicator may award such
5 amount as it considers appropriate, but not more than 10 percent of the proceeds of
6 the action or settlement of the claim, depending upon the significance of the
7 information and the role of the person bringing the action in advancing the
8 prosecution of the action or claim.

9 (c) Except as provided in par. (e), in addition to any amount received under par.
10 (a) or (b), a person bringing an action under sub. (5) shall be awarded his or her
11 reasonable expenses necessarily incurred in bringing the action together with the
12 person's costs and reasonable actual attorney fees. The court or other adjudicator
13 shall assess any award under this paragraph against the defendant.

14 (d) Except as provided in par. (e), if the state does not proceed with an action
15 or an alternate proceeding under sub. (10), the person bringing the action shall
16 receive an amount that the court decides is reasonable for collection of the civil
17 penalty and damages. The amount shall be not less than 25 percent and not more
18 than 30 percent of the proceeds of the action and shall be paid from the proceeds. In
19 addition, the person shall be paid his or her expenses, costs, and fees under par. (c).

20 (e) Whether or not the state proceeds with the action or an alternate proceeding
21 under sub. (10), if the court or other adjudicator finds that an action under sub. (5)
22 was brought by a person who planned or initiated the violation upon which the action
23 or proceeding is based, then the court may, to the extent that the court considers
24 appropriate, reduce the share of the proceeds of the action that the person would
25 otherwise receive under par. (a), (b), or (d), taking into account the role of that person

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1 in advancing the prosecution of the action or claim and any other relevant
2 circumstance pertaining to the violation, except that if the person bringing the action
3 is convicted of criminal conduct arising from his or her role in a violation of sub. (2),
4 the court or other adjudicator shall dismiss the person as a party and the person shall
5 not receive any share of the proceeds of the action or claim or any expenses, costs, and
6 fees under par. (c).

7 **(12)** (a) No court has jurisdiction over an action brought by a private person
8 under sub. (5) against a state public official if the action is based upon information
9 known to the attorney general at the time that the action is brought.

10 (b) No person may bring an action under sub. (5) that is based upon allegations
11 or transactions that are the subject of a civil action or an administrative proceeding
12 to assess a civil forfeiture in which the state is a party if that action or proceeding
13 was commenced prior to the date that the action is filed.

14 **(13)** The state is not liable for any expenses incurred by a private person in
15 bringing an action under sub. (5).

16 **(14)** Any employee who is discharged, demoted, suspended, threatened,
17 harassed, or in any other manner discriminated against by his or her employer
18 because of lawful actions taken by the employee, on behalf of the employee, or by
19 others in furtherance of an action or claim filed under this section, including
20 investigation for, initiation of, testimony for, or assistance in an action or claim filed
21 or to be filed under sub. (5) is entitled to all necessary relief to make the employee
22 whole. Such relief shall in each case include reinstatement with the same seniority
23 status that the employee would have had but for the discrimination, 2 times the
24 amount of back pay, interest on the back pay at the legal rate, and compensation for
25 any special damages sustained as a result of the discrimination, including costs and

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1 reasonable actual attorney fees. An employee may bring an action to obtain the relief
2 to which the employee is entitled under this subsection.

3 **(15)** A civil action may be brought based upon acts occurring prior to the
4 effective date of this subsection [revisor inserts date], if the action is brought
5 within the period specified in s. 893.981.

6 **(16)** A judgment of guilty entered against a defendant in a criminal action in
7 which the defendant is charged with fraud or making false statements estops the
8 defendant from denying the essential elements of the offense in any action under sub.
9 (5) that involves the same elements as in the criminal action.

10 **(17)** The remedies provided for under this section are in addition to any other
11 remedies provided for under any other law or available under the common law.

12 **(18)** This section shall be liberally construed and applied to promote the public
13 interest and to effect the congressional intent in enacting 31 USC 3279 to 3733, as
14 reflected in the act and the legislative history of the act.

15 **SECTION 636.** 23.09 (19) (d) of the statutes is amended to read:

16 23.09 **(19)** (d) ~~Grants~~ Except as provided in s. 23.096 (2m), grants under this
17 subsection shall be for up to 50% of the acquisition costs of the land or the rights in
18 land for the urban green space. The governmental unit is responsible for the
19 remainder of the acquisition costs.

20 **SECTION 637.** 23.09 (20) (b) of the statutes is amended to read:

21 23.09 **(20)** (b) State Except as provided in s. 23.096 (2m), state aid under this
22 subsection is limited to no more than 50% of the acquisition costs and the
23 development costs of recreation lands and other outdoor recreation facilities. Costs
24 associated with operation and maintenance of parks and other outdoor recreational
25 facilities established under this subsection are not eligible for state aid.

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1 Administrative costs of acquiring lands or land rights are not included in the
2 acquisition costs eligible for state aid under this subsection. Title to lands or rights
3 in lands acquired by a municipality under this subsection shall vest in the
4 municipality, but such land shall not be converted to uses inconsistent with this
5 subsection without prior approval of the state and proceeds from the sale or other
6 disposal of such lands shall be used to promote the objectives of this subsection.

7 **SECTION 638.** 23.09 (20m) (b) of the statutes is amended to read:

8 23.09 (**20m**) (b) The department shall establish a program to award grants
9 from the appropriation under s. 20.866 (2) (ta) to governmental units and nonprofit
10 conservation organizations to acquire development rights in land for nature-based
11 outdoor recreation. The Except as provided s. 23.096 (2m), the grants shall be limited
12 to no more than 50% of the acquisition costs of the development rights.

13 **SECTION 639.** 23.0917 (3) (a) of the statutes is amended to read:

14 23.0917 (**3**) (a) Beginning with fiscal year 2000–01 and ending with fiscal year
15 ~~2009–10~~ 2019–20, the department may obligate moneys under the subprogram for
16 land acquisition to acquire land for the purposes specified in s. 23.09 (2) (d) and
17 grants for these purposes under s. 23.096, except as provided under ss. 23.197 (2m),
18 (3m) (b), (7m), and (8) and 23.198 (1) (a).

19 **SECTION 640.** 23.0917 (3) (bm) of the statutes is amended to read:

20 23.0917 (**3**) (bm) During the period beginning with fiscal year 2001–02 and
21 ending with fiscal year ~~2009–10~~ 2019–20, in obligating money under the subprogram
22 for land acquisition, the department shall set aside not less than a total of \$ 2,000,000
23 that may be obligated only to provide matching funds for grants awarded to the
24 department for the purchase of land or easements under 16 USC 2103c.

25 **SECTION 641.** 23.0917 (3) (br) of the statutes is created to read:

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1 23.0917 (3) (br) Beginning with fiscal year 2010–11 and ending with fiscal year
2 2019–20, in obligating moneys under the subprogram for land acquisition, the
3 department shall set aside in each fiscal year not less than \$14,500,000 that may be
4 obligated only to provide for grants awarded to nonprofit conservation organizations
5 under s. 23.096.

6 **SECTION 642.** 23.0917 (3) (dm) 3. of the statutes is created to read:

7 23.0917 (3) (dm) 3. For each fiscal year beginning with 2010–11 and ending
8 with fiscal year 2019–20, \$79,000,000.

9 **SECTION 643.** 23.0917 (4) (a) of the statutes is amended to read:

10 23.0917 (4) (a) Beginning with fiscal year 2000–01 and ending with fiscal year
11 ~~2009–10~~ 2019–20, the department may obligate moneys under the subprogram for
12 property development and local assistance. Moneys obligated under this
13 subprogram may be only used for nature–based outdoor recreation, except as
14 provided under par. (cm).

15 **SECTION 644.** 23.0917 (4) (d) 1. of the statutes is amended to read:

16 23.0917 (4) (d) 1. The department may obligate not more than \$11,500,000 in
17 fiscal year 2000–01 and not more than \$11,500,000 in fiscal year 2001–02 under the
18 subprogram except as provided in sub. (5). For each fiscal year beginning with
19 2002–03 and ending with fiscal year 2009–10, the department may obligate not more
20 than \$15,000,000 under the subprogram except as provided in sub. (5). For each
21 fiscal year beginning with 2010–11 and ending with fiscal year 2019–20, the
22 department may obligate not more than \$26,000,000 under the subprogram except
23 as provided in sub. (5).

24 **SECTION 645.** 23.0917 (4) (d) 2. of the statutes is amended to read:

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1 23.0917 (4) (d) 2. The Beginning with fiscal year 2000–01 and ending with
2 fiscal year 2009–10, the department may obligate not more than \$8,000,000 in each
3 fiscal year for local assistance.

4 **SECTION 646.** 23.0917 (4) (d) 2m. of the statutes is created to read:

5 23.0917 (4) (d) 2m. Beginning with fiscal year 2010–11 and ending with fiscal
6 year 2019–20, the department may not obligate more than \$14,000,000 in each fiscal
7 year for local assistance.

8 **SECTION 647.** 23.0917 (7) (a) of the statutes is amended to read:

9 23.0917 (7) (a) Except as provided in pars. (b) and (c), for purposes of
10 calculating the acquisition costs for acquisition of land under ss. 23.09 (19), (20) and
11 (20m), 23.092 (4), 23.094 (3g), 23.0953, 23.096, 30.24 (4) and 30.277 from the
12 appropriation under s. 20.866 (2) (ta), the acquisition costs shall equal the sum of the
13 land's current fair market value and other acquisition costs, as determined by rule
14 by the department.

15 **SECTION 648.** 23.0917 (12) of the statutes is amended to read:

16 23.0917 (12) EXPENDITURES AFTER JUNE 30, ~~2010~~ 2020. If the remaining bonding
17 authority for a subprogram under sub. (3) or (4) on June 30, ~~2010~~ 2020, is an amount
18 greater than zero, the department may expend any portion of this remaining bonding
19 authority for that subprogram in one or more subsequent fiscal years.

20 **SECTION 649.** 23.092 (1) of the statutes is renumbered 23.092 (1m).

21 **SECTION 650.** 23.092 (1b) of the statutes is created to read:

22 23.092 (1b) In this section, “nonprofit conservation organization” has the
23 meaning given in s. 23.0955 (1).

24 **SECTION 651.** 23.092 (2) of the statutes is amended to read:

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1 23.092 (2) For each area designated under sub. (1) (1m), the department shall
2 prepare a plan, based upon the specific qualities of the area designated, that is
3 designed to protect, enhance or restore the habitat in the designated area. After
4 preparation of a plan for a designated area, the department shall encourage
5 landowners to use specific management practices that are designed to implement the
6 plan.

7 **SECTION 652.** 23.092 (4) of the statutes is amended to read:

8 23.092 (4) The department may share the costs of implementing land
9 management practices with landowners, or with nonprofit conservation
10 organizations that are qualified to enhance wildlife-based recreation if these
11 organizations have the landowner's permission to implement the practices. The
12 department may share the costs of acquiring easements for habitat areas with
13 landowners or with these nonprofit conservation organizations. If the funding for
14 cost-sharing under this subsection will be expended from the appropriation under
15 s. 20.866 (2) (ta), the amount expended for the cost-sharing may not exceed 50% of
16 the cost of the management practices or of the acquisition costs for the easement
17 except as provided in s. 23.096 (2m).

18 **SECTION 653.** 23.094 (3m) of the statutes is amended to read:

19 23.094 (3m) LIMITS. ~~A~~ Except as provided in s. 23.096 (2m), a grant under sub.
20 (3g) may not exceed 50% of the acquisition costs for the land or the easement.

21 **SECTION 654.** 23.0953 of the statutes is created to read:

22 **23.0953 Grants to counties for land acquisition.** (1) In this section,
23 “nature-based outdoor recreation” has the meaning given by the department by rule
24 under s. 23.0917 (4) (f).

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1 **(2)** Beginning with fiscal year 2010–11 and ending with fiscal year 2019–20,
2 the department shall establish a program from the appropriation under s. 20.866 (2)
3 (ta) to make grants to counties to acquire land for nature–based outdoor recreation.
4 For purposes of s. 23.0917, moneys provided from the appropriation under s. 20.866
5 (2) (ta) shall be treated as moneys obligated from the subprogram under s. 23.0917
6 (3).

7 **(3)** Each county receiving a grant under this section shall provide matching
8 funds that equal at least 50 percent of the acquisition costs.

9 **(4)** A county unit may not convert the land or the rights in the land acquired
10 using grant moneys awarded under this subsection to a use that is inconsistent with
11 the type of nature–based outdoor recreation for which the grant was awarded
12 without the approval of the natural resources board.

13 **SECTION 655.** 23.096 (2) (b) of the statutes is amended to read:

14 23.096 **(2)** (b) ~~A~~ Except as provided in sub. (2m), a grant awarded under this
15 section may not exceed 50% of the acquisition costs of the property.

16 **SECTION 656.** 23.096 (2m) of the statutes is created to read:

17 23.096 **(2m)** Notwithstanding sub. (2) (b), in each fiscal year beginning with
18 fiscal year 2010–11 and ending with fiscal year 2019–20, the department may award
19 grants under this section that equal up to 75 percent of the acquisition costs of the
20 property if the natural resources board determines that all of the following apply:

21 (a) That the property is uniquely valuable in conserving the natural resources
22 of the state.

23 (b) That delaying or deferring the acquisition until 50 percent of the acquisition
24 costs are procured by the nonprofit conservation organization is not reasonably
25 possible.

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1 (c) That sufficient bonding authority remains in the amount set aside under s.
2 23.0917 (3) (br) for that fiscal year after awarding grants to nonprofit conservation
3 organizations that meet the matching requirement under sub. (2) (b).

4 **SECTION 657.** 23.15 (1) of the statutes is amended to read:

5 23.15 (1) The natural resources board may sell, at public or private sale, lands
6 and structures owned by the state under the jurisdiction of the department of natural
7 resources, except central or district office facilities, when the natural resources board
8 determines that said lands are no longer necessary for the state's use for
9 conservation purposes and, if real property, the real property is not the subject of a
10 petition under s. 560.9810 (2).

11 **SECTION 658.** 23.197 (10) of the statutes is created to read:

12 23.197 (10) MIRROR LAKE; BOATING ACCESS. From the appropriation under s.
13 20.866 (2) (ta), the department shall provide funding in an amount not to exceed
14 \$1,000,000 to improve navigability for recreational boating in Mirror Lake in Sauk
15 County and in the streams flowing into the lake. For the purposes of s. 23.0917,
16 moneys provided under this subsection from the appropriation under s. 20.866 (2)
17 (ta) shall be treated as moneys obligated under either or both of the subprograms
18 under s. 23.0917 (3) and (4).

19 **SECTION 659.** 23.1985 of the statutes is amended to read:

20 **23.1985 Acquisition of certain public lands.** Beginning in fiscal year
21 2006–07 and ending in fiscal year ~~2009–10~~ 2019–20, from the appropriation under
22 s. 20.866 (2) (ta), the department shall set aside \$2,000,000 in each fiscal year that
23 may be obligated only to acquire land from the board of commissioners of public lands
24 under s. 24.59 (1). If the department sets aside, but does not obligate moneys in a
25 fiscal year under this section, the department may obligate those nonobligated

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1 moneys in a subsequent fiscal year under this section in addition to the amounts the
2 department is required to set aside for that subsequent fiscal year. For purposes of
3 s. 23.0917, moneys provided from the appropriation under s. 20.866 (2) (ta) shall be
4 treated as moneys obligated under the subprogram under s. 23.0917 (3).

5 **SECTION 660.** 23.22 (2) (b) 6. of the statutes is amended to read:

6 23.22 (2) (b) 6. Promulgate rules to identify, classify, and control invasive
7 species for purposes of the program. In promulgating these rules, the department
8 shall consider the recommendations of the council under sub. (3) (a). As part of these
9 rules, the department may establish procedures and requirements for issuing
10 permits to control invasive species.

11 **SECTION 661.** 23.22 (2) (c) of the statutes is amended to read:

12 23.22 (2) (c) Under the program established under par. (a), the department
13 shall promulgate rules to establish a procedure to award cost-sharing grants to
14 public and private entities for up to ~~50%~~ 75 percent of the costs of projects to control
15 invasive species. The rules promulgated under this paragraph shall establish
16 criteria for determining eligible projects and eligible grant recipients. Eligible
17 projects shall include education and inspection activities at boat landings. The rules
18 shall allow cost-share contributions to be in the form of money or in-kind goods or
19 services or any combination thereof. In promulgating these rules, the department
20 shall consider the recommendations of the council under sub. (3) (c). From the
21 appropriation under s. 20.370 (6) (ar), the department shall make available in each
22 fiscal year \$1,500,000 for cost-sharing grants ~~to be awarded to local governmental~~
23 ~~units~~ for the control of invasive species that are aquatic species ~~\$1,000,000 in fiscal~~
24 ~~year 2005-06 and \$1,500,000 in fiscal year 2006-07 and each fiscal year thereafter.~~

25 **SECTION 662.** 23.22 (8) of the statutes is created to read:

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1 23.22 **(8)** PENALTIES. (a) Except as provided in pars. (b) and (c), any person who
2 violates a rule promulgated under sub. (2) (b) 6., or any permit issued under those
3 rules, shall forfeit not more than \$200.

4 (b) Any person who intentionally violates any rule promulgated under sub. (2)
5 (b) 6. or any permit issued under those rules shall be fined not less than \$1,000 nor
6 more than \$5,000, or shall be imprisoned for not less than 6 months nor more than
7 9 months or both.

8 (c) A person who violates a rule promulgated under sub. (2) (b) 6. or any permit
9 issued under those rules and who, within 5 years before the arrest of the current
10 conviction, was previously convicted of a violation of a rule promulgated under sub.
11 (2) (b) 6. or any permit issued under those rules shall be fined not less than \$700 nor
12 more than \$2,000 or shall be imprisoned for not less than 6 months nor more than
13 9 months or both.

14 (d) The court may order a person who is convicted under par. (a), (b), or (c) to
15 abate any nuisance caused by the violation, restore any natural resource damaged
16 by the violation, or take other appropriate action to eliminate or minimize any
17 environmental damage caused by the violation.

18 **SECTION 663.** 23.22 (9) of the statutes is created to read:

19 23.22 **(9)** ENFORCEMENT. (a) If the department of natural resources finds that
20 any person is violating a rule promulgated under sub. (2) (b) 6. or a permit issued
21 under those rules for which the person is subject to a forfeiture under sub. (8) (a), the
22 department of natural resources may do one or more of the following:

- 23 1. Issue a citation pursuant to s. 23.50 to 23.99.
- 24 2. Refer the matter to the department of justice for enforcement under par. (b).

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1 3. Revoke a permit issued under the rules promulgated under sub. (2) (b) 6.,
2 after notice and opportunity for hearing.

3 (b) The department of justice shall initiate an enforcement action requested by
4 the department under par. (a) 2. The enforcement action may include a request for
5 injunctive relief. In any action initiated by it under this paragraph, the department
6 of justice shall, prior to stipulation, consent order, judgment, or other final
7 disposition of the case, consult with the department of natural resources for the
8 purpose of determining the department's views on final disposition. The department
9 of justice shall not enter into a final disposition different than that previously
10 discussed without first informing the department of natural resources.

11 (c) In an action initiated pursuant to a citation or initiated under par. (b), the
12 court may award, as an additional penalty, an amount equal to all or a portion of the
13 costs of investigation, including any monitoring, incurred by the department of
14 natural resources or the department of justice, which led to the establishment of the
15 violation. The court may also award the department of justice the reasonable and
16 necessary expenses of the prosecution, including attorney fees. The department of
17 justice shall deposit in the state treasury for deposit into the general fund all moneys
18 that the court awards to the department of justice under this paragraph. These
19 moneys shall be credited to the appropriation account under s. 20.455 (1) (gh).

20 **SECTION 664.** 23.24 (6) (b) of the statutes is amended to read:

21 23.24 **(6)** (b) A person who violates sub. (3) and who, within 5 years before the
22 arrest of the current conviction, was previously convicted of a violation of sub. (3)
23 shall ~~forfeit~~ be fined not less than \$700 nor more than \$2,000 or shall be imprisoned
24 for not less than 6 months nor more than 9 months or both.

25 **SECTION 665.** 23.33 (5) (d) of the statutes is amended to read:

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1 23.33 (5) (d) *Safety certification program established.* The department shall
2 establish or supervise the establishment of a program of instruction on all-terrain
3 vehicle laws, including the intoxicated operation of an all-terrain vehicle law,
4 regulations, safety and related subjects. The department shall establish by rule an
5 instruction fee for this program. The department shall issue certificates to persons
6 successfully completing the program. An instructor conducting the program of
7 instruction under this paragraph shall collect the fee from each person who receives
8 instruction. The department may determine the portion of this fee, which may not
9 exceed 50%, that the instructor may retain to defray expenses incurred by the
10 instructor in conducting the program. The instructor shall remit the remainder of
11 the fee or, if nothing is retained, the entire fee to the department. The department
12 shall issue a duplicate certificate of accomplishment to a person who is entitled to a
13 duplicate certificate of accomplishment and who pays a fee of \$2.75.

14 **SECTION 666.** 23.33 (13) (e) of the statutes is amended to read:

15 23.33 (13) (e) *Alcohol, controlled substances or controlled substance analogs;*
16 *assessment.* In addition to any other penalty or order, a person who violates sub. (4c)
17 (a) or (b) or (4p) (e) or who violates s. 940.09 or 940.25 if the violation involves the
18 operation of an all-terrain vehicle, shall be ordered by the court to submit to and
19 comply with an assessment by an approved public treatment facility for an
20 examination of the person's use of alcohol, controlled substances or controlled
21 substance analogs. The assessment order shall comply with s. 343.30 (1q) (c) 1. a.
22 ~~to c.~~ Intentional failure to comply with an assessment ordered under this paragraph
23 constitutes contempt of court, punishable under ch. 785.

24 **SECTION 667.** 23.41 (5) of the statutes is amended to read:

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1 23.41 (5) Each contract for construction work entered into by the department
2 under this section shall be awarded on the basis of bids or competitive sealed
3 proposals in accordance with procedures established by the department. Each
4 contract for construction work shall be awarded to the lowest responsible bidder or
5 the person submitting the most advantageous competitive sealed proposal as
6 determined by the department. If the bid of the lowest responsible bidder or the
7 proposal of the person submitting the most advantageous competitive sealed
8 proposal is determined by the department to be in excess of the estimated reasonable
9 value of the work or not in the public interest, the department may reject all bids or
10 competitive sealed proposals. Every such contract is exempted from ss. 16.70 to
11 16.75, 16.755, 16.76, 16.767 to 16.77, 16.78 to 16.82, 16.855, 16.87, and 16.89, but ss.
12 16.528, 16.753, 16.754, and 16.765, 16.771, and 16.871 apply to the contract. Every
13 such contract involving an expenditure of more than \$60,000 is not valid until the
14 contract is approved by the governor.

15 **SECTION 668.** 23.51 (1m) of the statutes is amended to read:

16 23.51 (1m) “Citation” means a ~~pleading of essential facts and applicable law~~
17 ~~coupled with a demand for judgment, which notifies~~ complaint and includes a
18 notification to the person cited of a violation of a statute or rule enumerated in s.
19 23.50 (1) or of a violation of a local ordinance, and requests the person to appear in
20 court. ~~Part of the citation is a complaint.~~

21 **SECTION 669.** 23.54 (1) of the statutes is amended to read:

22 23.54 (1) A citation may be prepared on a paper form or in an electronic format.
23 The defendant shall receive a copy of the citation. The citation shall contain ~~a~~
24 ~~complaint, a~~ an area to record the case history and a report of court action on the case.

25 **SECTION 670.** 23.54 (2) of the statutes is repealed.

SENATE BILL 40**SECTION 671**

1 **SECTION 671.** 23.62 (1) (a) of the statutes is amended to read:

2 23.62 (1) (a) Issue a citation to the defendant in the form manner specified in
3 s. 23.54, a paper copy or electronic version of which shall be filed with the clerk of
4 courts in the county where the violation was committed or with the office of the
5 municipal judge in the case of an ordinance violation;

6 **SECTION 672.** 23.62 (2) (a) of the statutes is amended to read:

7 23.62 (2) (a) If the defendant is a resident of this state, a law enforcement officer
8 may serve a citation anywhere in the state by following the procedures used for the
9 service of a summons under s. 801.11 (1) (a) or (b) 1. or 1m. or (2) or by mailing a paper
10 copy to the defendant's last-known address.

11 **SECTION 673.** 23.62 (2) (b) of the statutes is amended to read:

12 23.62 (2) (b) If the defendant is not a resident of the state, a law enforcement
13 officer may serve a citation by delivering a paper copy to the defendant personally
14 or by mailing a paper copy to the defendant's last-known address.

15 **SECTION 674.** 23.68 of the statutes is amended to read:

16 **23.68 Pleading.** The A citation or complaint issued pursuant to s. 23.62 or a
17 complaint issued pursuant to s. 23.65 may serve as the initial pleading and,
18 notwithstanding any other provisions of the statutes, shall be deemed adequate
19 process to give the appropriate court jurisdiction over the person upon the filing of
20 the citation or complaint with such court.

21 **SECTION 675.** 25.14 (1) (a) (intro.) of the statutes is amended to read:

22 25.14 (1) (a) (intro.) There is created a state investment fund under the
23 jurisdiction and management of the board to be operated as an investment trust for
24 the purpose of managing the securities of all funds that are required by law to be

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1 invested in the state investment fund and all of the state's funds consisting of the
2 funds specified in s. 25.17 (1), except all of the following:

3 **SECTION 676.** 25.17 (1) (ab) of the statutes is created to read:

4 25.17 (1) (ab) Affordable housing trust fund (s. 25.415);

5 **SECTION 677.** 25.17 (1) (bw) of the statutes is created to read:

6 25.17 (1) (bw) County aid fund (s. 25.51).

7 **SECTION 678.** 25.17 (1) (gd) of the statutes is created to read:

8 25.17 (1) (gd) Health care quality fund (s. 25.772);

9 **SECTION 679.** 25.17 (63) of the statutes is created to read:

10 25.17 (63) If requested by the Health Insurance Risk-Sharing Plan Authority,
11 invest funds of the Health Insurance Risk-Sharing Plan Authority in the state
12 investment fund.

13 **SECTION 680.** 25.18 (1) (a) of the statutes is amended to read:

14 25.18 (1) (a) Notwithstanding s. 20.930 and all provisions of subch. IV of ch.
15 16, except s. ss. 16.753 and 16.771, employ special legal or investment counsel in any
16 matters arising out of the scope of its investment authority. Section 16.753 does not
17 apply to the employment of legal or investment counsel for the purpose of assisting
18 the board with investments. The employment of special legal counsel shall be with
19 the advice and consent of the attorney general whenever such special counsel is to
20 be compensated by the board. Any expense of counsel so employed shall be borne by
21 the fund for which the services shall be furnished.

22 **SECTION 681.** 25.18 (1) (f) of the statutes is amended to read:

23 25.18 (1) (f) Maintain and repair any building or other structure or premises
24 which it owns in fee or in which it owns the beneficial interest and, notwithstanding
25 all provisions of subch. IV or V of ch. 16, except s. ss. 16.753, 16.771, and 16.871, it

SENATE BILL 40**SECTION 681**

1 shall have exclusive authority to make such agreements and enter into such
2 contracts as it deems necessary for such purpose. Section 16.753 does not apply to
3 agreements and contracts entered into by the board for the purpose of assisting the
4 board with investments. All noncapital costs under this paragraph shall be charged
5 to the current income accounts of the funds having an interest in the building,
6 structure or premises.

7 **SECTION 682.** 25.18 (1) (m) of the statutes is amended to read:

8 25.18 (1) (m) Notwithstanding all provisions of subchs. IV and V of ch. 16,
9 except s. ss. 16.753, 16.771, and 16.871, employ professionals, contractors or other
10 agents necessary to evaluate or operate any property if a fund managed by the board
11 has an interest in, or is considering purchasing or lending money based upon the
12 value of, that property. Section 16.753 does not apply to the employment of any
13 person for the purpose of assisting the board with investments. Costs under this
14 paragraph shall be paid by the fund and charged to the appropriate account under
15 s. 40.04 (3).

16 **SECTION 683.** 25.187 (2) (a) of the statutes is amended to read:

17 25.187 (2) (a) Subject to ~~pars. (b) and par. (c)~~, on ~~July 1 and January~~ September
18 1 of each year, the investment board shall ~~estimate the amounts required for its~~
19 ~~operating expenditures for the next 6-month period and shall~~ assess each fund for
20 which the board has management responsibility for its share of the ~~estimated~~ board's
21 ~~operating expenditures for the current fiscal year~~ in an equitable manner. The board
22 shall pay the assessment from the current income of each fund, unless an
23 appropriation is made for payment of the assessment, in which case the assessment
24 shall be paid from that appropriation account.

25 **SECTION 684.** 25.187 (2) (b) of the statutes is repealed.

SENATE BILL 40**SECTION 685**

1 **SECTION 685.** 25.187 (2) (c) 1. of the statutes is amended to read:

2 25.187 **(2)** (c) 1. Except as provided in subd. 2., the total amount that the board
3 may assess the funds for which the board has management responsibility for any
4 fiscal year may not exceed the greater of ~~\$20,352,800 or 0.0275%~~ the amount that the
5 board could have assessed the funds in the 2nd year of the prior fiscal biennium or
6 0.0325% of the average market value of the assets of the funds at the end of each
7 month between November 30 and April 30 of the preceding fiscal year.

8 **SECTION 686.** 25.187 (2) (c) 3. c. of the statutes is created to read:

9 25.187 **(2)** (c) 3. c. Annually, no later than June 15, certify to the department
10 of administration and to the joint committee on finance the maximum amount that
11 the board may assess the funds for which the board has management responsibility
12 in the next fiscal year.

13 **SECTION 687.** 25.40 (1) (bd) of the statutes is created to read:

14 25.40 **(1)** (bd) Oil company assessments under subch. XIV of ch. 77.

15 **SECTION 688.** 25.415 of the statutes is created to read:

16 **25.415 Affordable housing trust fund.** There is established a separate
17 nonlapsible trust fund designated as the affordable housing trust fund, to consist of
18 moneys that may be transferred from the county aid fund under s. 20.855 (4) (vm).

19 **SECTION 689.** 25.46 (1m) of the statutes is amended to read:

20 25.46 **(1m)** The moneys transferred under s. 20.855 (4) (~~¶~~) (rm) for nonpoint
21 source water pollution abatement.

22 **SECTION 690.** 25.46 (7) of the statutes is amended to read:

23 25.46 **(7)** The fees imposed under s. 289.67 (1) for environmental management,
24 except that for each ton of waste for which the fee is \$1.60 per ton, 75 cents is for
25 nonpoint source water pollution abatement.

SENATE BILL 40**SECTION 691**

1 **SECTION 691.** 25.47 (4m) of the statutes is created to read:

2 25.47 **(4m)** The payments under s. 101.1435 (4).

3 **SECTION 692.** 25.50 (1) (d) of the statutes is amended to read:

4 25.50 **(1)** (d) “Local government” means any county, town, village, city, power
5 district, sewerage district, drainage district, town sanitary district, public inland
6 lake protection and rehabilitation district, local professional baseball park district
7 created under subch. III of ch. 229, ~~family~~ long-term care district under s. 46.2895,
8 local professional football stadium district created under subch. IV of ch. 229, local
9 cultural arts district created under subch. V of ch. 229, public library system, school
10 district or technical college district in this state, any commission, committee, board
11 or officer of any governmental subdivision of this state, any court of this state, other
12 than the court of appeals or the supreme court, or any authority created under s.
13 114.61, 149.41, 231.02, 233.02 or 234.02.

14 **SECTION 693.** 25.51 of the statutes is created to read:

15 **25.51 County aid fund.** There is established a separate nonlapsible trust
16 fund designated as the county aid fund consisting of the moneys the state receives
17 under s. 77.24.

18 **SECTION 694.** 25.60 of the statutes is amended to read:

19 **25.60 Budget stabilization fund.** There is created a separate nonlapsible
20 trust fund designated as the budget stabilization fund, consisting of moneys
21 transferred to the fund from the general fund under ss. 13.48 (14) (c), 16.518 (3), and
22 16.72 (4) (b), ~~and 16.848.~~

23 **SECTION 695.** 25.68 (1) of the statutes is amended to read:

SENATE BILL 40**SECTION 695**

1 25.68 (1) All moneys received by the department of ~~workforce development~~
2 children and families under s. 49.854, except for moneys received under s. 49.854 (11)
3 (b).

4 **SECTION 696.** 25.68 (3) of the statutes is amended to read:

5 25.68 (3) All moneys not specified under sub. (2) that are received under a
6 judgment or order in an action affecting the family, as defined in s. 767.001 (1), by
7 the department of ~~workforce development~~ children and families or its designee.

8 **SECTION 697.** 25.69 of the statutes is amended to read:

9 **25.69 Permanent endowment fund.** There is established a separate
10 nonlapsible trust fund designated as the permanent endowment fund, consisting of
11 all of the proceeds from the sale of the state's right to receive payments under the
12 Attorneys General Master Tobacco Settlement Agreement of November 23, 1998,
13 and all investment earnings on the proceeds. There is transferred from the
14 permanent endowment fund to the health care quality fund \$50,000,000 in each
15 fiscal year.

16 **SECTION 698.** 25.772 of the statutes is created to read:

17 **25.772 Health care quality fund.** There is established a separate
18 nonlapsible trust fund designated as the health care quality fund, to consist of all of
19 the following:

20 (1) The amount of the taxes collected under subchs. II and III of ch. 139 as
21 determined under ss. 139.455 and 139.865.

22 (2) All moneys received under s. 50.375 from assessments on hospitals.

23 (3) All moneys transferred from the permanent endowment fund.

24 (4) All moneys transferred under 2007 Wisconsin Act (this act), section 9225

25 (6).

SENATE BILL 40**SECTION 699**

1 **SECTION 699.** 25.96 of the statutes is amended to read:

2 **25.96 Utility public benefits fund.** There is established a separate
3 nonlapsible trust fund designated as the utility public benefits fund, consisting of
4 low-income assistance fees received under s. 16.957 (4) (a) and (5) (b) 2. and all
5 moneys received under s. 196.374 (3) (b) 4.

6 **SECTION 700.** 26.385 of the statutes is repealed.

7 **SECTION 701.** 28.05 (3) (c) of the statutes is created to read:

8 **28.05 (3) (c)** Of the amount received by the department from each timber sale
9 for which the department used the services of a cooperating forester under this
10 subsection, the department shall credit to the appropriation account under s. 20.370
11 (1) (cy) an amount equal to the portion of the sale proceeds that the department is
12 required to pay to the cooperating forester.

13 **SECTION 702.** 28.085 of the statutes is amended to read:

14 **28.085 Timber.** The department shall allocate for private forest grants under
15 s. 26.38, ~~for forestry research and development grants under s. 26.385,~~ for the
16 forestry education grant program under s. 26.40, for school forest transportation
17 funding under s. 26.39 (5), for transfer to the appropriation under s. 20.292 (1) (km)
18 for master logger apprenticeship grants under s. 38.04 (29), or for forestry
19 internships under s. 26.39.

20 **SECTION 703.** 29.024 (2g) (am) of the statutes is amended to read:

21 **29.024 (2g) (am) Social security numbers exceptions.** If an applicant who is an
22 individual does not have a social security number, the applicant, as a condition of
23 applying for, or applying to renew, an approval specified in par. (a) 1. to 3., shall
24 submit a statement made or subscribed under oath or affirmation to the department
25 that the applicant does not have a social security number. The form of the statement

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1 shall be prescribed by the department of ~~workforce development~~ children and
2 families. An approval issued by the department of natural resources in reliance on
3 a false statement submitted by an applicant under this paragraph is invalid.

4 **SECTION 704.** 29.024 (2g) (c) of the statutes is amended to read:

5 29.024 **(2g)** (c) *Disclosure of social security numbers.* The department of
6 natural resources may not disclose any social security numbers received under par.
7 (a) to any person except to the department of ~~workforce development~~ children and
8 families for the sole purpose of administering s. 49.22.

9 **SECTION 705.** 29.024 (2g) (d) 1. of the statutes is amended to read:

10 29.024 **(2g)** (d) 1. As provided in the memorandum of understanding required
11 under s. 49.857 (2), the department shall deny an application to issue or renew,
12 suspend if already issued or otherwise withhold or restrict an approval specified in
13 par. (a) 1. to 3. if the applicant for or the holder of the approval is delinquent in
14 making court-ordered payments of child or family support, maintenance, birth
15 expenses, medical expenses or other expenses related to the support of a child or
16 former spouse or if the applicant or holder fails to comply with a subpoena or warrant
17 issued by the department of ~~workforce development~~ children and families or a county
18 child support agency under s. 59.53 (5) and relating to paternity or child support
19 proceedings.

20 **SECTION 706.** 29.024 (2r) (am) of the statutes is amended to read:

21 29.024 **(2r)** (am) *Social security and identification numbers exceptions.* If an
22 applicant who is an individual does not have a social security number, the applicant,
23 as a condition of applying for, or applying to renew, any of the approvals specified in
24 par. (a) 1. to 16., shall submit a statement made or subscribed under oath or
25 affirmation to the department that the applicant does not have a social security

SENATE BILL 40**SECTION 706**

1 number. The form of the statement shall be prescribed by the department of
2 ~~workforce development~~ children and families. An approval issued by the department
3 of natural resources in reliance on a false statement submitted by an applicant under
4 this paragraph is invalid.

5 **SECTION 707.** 29.024 (6) (ag) of the statutes is created to read:

6 29.024 **(6)** (ag) Under a contract issued under par. (a) 4., the department may
7 deduct a portion of each fee collected for a license issued pursuant to the statewide
8 automated system. The department shall credit all of the amounts deducted to the
9 appropriation account under s. 20.370 (1) (hx).

10 **SECTION 708.** 29.229 (2) (hm) of the statutes is created to read:

11 29.229 **(2)** (hm) Two-day inland lake trout fishing licenses.

12 **SECTION 709.** 29.229 (5m) (a) of the statutes is amended to read:

13 29.229 **(5m)** (a) The band is requested to enter into a memorandum of
14 understanding with the department of ~~workforce development~~ children and families
15 under s. 49.857.

16 **SECTION 710.** 29.229 (5m) (b) of the statutes is amended to read:

17 29.229 **(5m)** (b) The band is requested to enact tribal laws or ordinances that
18 require each person who has a social security number, as a condition of being issued
19 an approval under this section, to provide to the band his or her social security
20 number, tribal laws or ordinances that require each person who does not have a social
21 security number, as a condition of being issued an approval under this section, to
22 provide to the band a statement made or subscribed under oath or affirmation on a
23 form prescribed by the department of ~~workforce development~~ children and families
24 that the person does not have a social security number, and tribal laws or ordinances
25 that prohibit the disclosure of that number by the band to any other person except

SENATE BILL 40**SECTION 710**

1 to the department of ~~workforce development~~ children and families for the purpose
2 of administering s. 49.22.

3 **SECTION 711.** 29.229 (5m) (c) of the statutes is amended to read:

4 29.229 (5m) (c) The band is requested to enact tribal laws or ordinances that
5 deny an application to issue or renew, suspend if already issued or otherwise
6 withhold or restrict an approval issued under this section if the applicant for or the
7 holder of the approval fails to provide the information required under tribal laws or
8 ordinances enacted under par. (b) or fails to comply, after appropriate notice, with a
9 subpoena or warrant issued by the department of ~~workforce development~~ children
10 and families or a county child support agency under s. 59.53 (5) and related to
11 paternity or child support proceedings or if the department of ~~workforce~~
12 ~~development~~ children and families certifies that the applicant for or the holder of the
13 approval has failed to pay court-ordered payments of child or family support,
14 maintenance, birth expenses, medical expenses or other expenses related to the
15 support of a child or former spouse. The band is also requested to enact tribal laws
16 or ordinances that invalidate an approval issued under this subsection if issued in
17 reliance upon a statement made or subscribed under oath or affirmation under tribal
18 laws or ordinances enacted under par. (b) that is false.

19 **SECTION 712.** 29.2295 (2) (hm) of the statutes is created to read:

20 29.2295 (2) (hm) Two-day inland lake trout fishing licenses.

21 **SECTION 713.** 29.535 of the statutes is created to read:

22 **29.535 Shovelnose sturgeon permit. (1)** The department shall issue,
23 subject to s. 29.024, an annual shovelnose sturgeon permit to any resident who
24 applies for the permit and who holds at least one of the following licenses:

25 (a) A net license issued under s. 29.523.

SENATE BILL 40**SECTION 713**

1 (b) A trammel net license issued under s. 29.529.

2 (c) A set or bank pole license issued under s. 29.531.

3 (d) A setline license issued under s. 29.533.

4 **(2)** An annual shovelnose sturgeon permit authorizes the permit holder to
5 harvest shovelnose sturgeon and their eggs.

6 **(3)** A person who holds an annual shovelnose sturgeon permit shall report to
7 the department, on forms provided by the department, on or before the 10th day of
8 each month, the number of pounds of shovelnose sturgeon eggs harvested during the
9 preceding calendar month.

10 **(4)** The department shall deposit receipts from the sale of permits under this
11 section in the conservation fund.

12 **SECTION 714.** 29.563 (2) (a) 5m. of the statutes is amended to read:

13 29.563 **(2)** (a) 5m. Elk: ~~\$46.25~~ \$72.25.

14 **SECTION 715.** 29.563 (2) (b) 3m. of the statutes is amended to read:

15 29.563 **(2)** (b) 3m. Elk: ~~\$248.25~~ \$397.25.

16 **SECTION 716.** 29.563 (7) (c) 5g. of the statutes is created to read:

17 29.563 **(7)** (c) 5g. Shovelnose sturgeon permit: \$50.

18 **SECTION 717.** 29.563 (14) (a) 3. of the statutes is amended to read:

19 29.563 **(14)** (a) 3. The processing fee for applications for elk hunting licenses:
20 ~~\$2.75~~ \$9.75.

21 **SECTION 718.** 30.24 (4) of the statutes is amended to read:

22 30.24 **(4)** LIMIT ON GRANTS. ~~A~~ Except as provided in s. 23.096 (2m), a grant
23 awarded under this section or under s. 23.096 to protect bluffs may not exceed 50%
24 of the acquisition costs.

25 **SECTION 719.** 30.277 (5) of the statutes is amended to read:

SENATE BILL 40**SECTION 719**

1 30.277 (5) ~~CONTRIBUTION BY GOVERNMENTAL UNIT~~ MATCHING CONTRIBUTIONS. ~~To~~
2 Except as provided in s. 23.096 (2m) to be eligible for a grant under this section, at
3 least 50% of the acquisition costs for land or of the project costs shall be funded by
4 private, local or federal funding, by in-kind contributions or by state funding. For
5 purposes of this subsection, state funding may not include grants under this section,
6 moneys appropriated to the department under s. 20.370 or money appropriated
7 under s. 20.866 (2) (ta), (tp) to (tw), (ty) or (tz).

8 **SECTION 720.** 30.52 (3) (b) of the statutes is amended to read:

9 30.52 (3) (b) *Fee for boats under 16 feet.* The fee for the issuance or renewal of
10 a certificate of number for a boat less than 16 feet in length is \$16.50 \$22.00.

11 **SECTION 721.** 30.52 (3) (c) of the statutes is amended to read:

12 30.52 (3) (c) *Fee for boats 16 feet or more but less than 26 feet.* The fee for the
13 issuance or renewal of a certificate of number for a boat 16 feet or more but less than
14 26 feet in length is \$24 \$31.

15 **SECTION 722.** 30.52 (3) (d) of the statutes is amended to read:

16 30.52 (3) (d) *Fee for boats 26 feet or more but less than 40 feet.* The fee for the
17 issuance or renewal of a certificate of number for a boat 26 feet or more but less than
18 40 feet in length is \$45 \$59.

19 **SECTION 723.** 30.52 (3) (e) of the statutes is amended to read:

20 30.52 (3) (e) *Fee for boats 40 feet or longer.* The fee for the issuance or renewal
21 of a certificate of number for a boat 40 feet or more in length is \$75 \$98.

22 **SECTION 724.** 30.52 (3) (f) of the statutes is amended to read:

23 30.52 (3) (f) *Fee for nonmotorized sailboats.* Notwithstanding pars. (b) to (e),
24 the fee for the issuance or renewal of a certificate of number for a sailboat which is
25 not a motorboat is \$15 \$20.

SENATE BILL 40**SECTION 725**

1 **SECTION 725.** 30.52 (3) (fm) of the statutes is amended to read:

2 30.52 **(3)** (fm) *Fee for voluntarily registered boats.* Notwithstanding pars. (b)
3 to (f), the fee for issuance or renewal of registration for a boat registered pursuant
4 to sub. (1) (b) 1m. is ~~\$9.75~~ \$13.

5 **SECTION 726.** 30.74 (1) (b) of the statutes is amended to read:

6 30.74 **(1)** (b) The department by rule shall set the instruction fee for the course.

7 A person conducting a course or giving instruction under this subsection shall collect
8 the instruction fee from each person who receives instruction. The department may
9 determine the portion of this fee, which may not exceed 50%, that the person may
10 retain to defray expenses incurred by the person in conducting the course or giving
11 the instruction. The person shall remit the remainder of the fee or, if nothing is
12 retained, the entire fee to the department. ~~The department by rule shall set the fee~~
13 ~~for the course.~~ The department shall issue a duplicate certificate of accomplishment
14 to a person who is entitled to a duplicate certificate of accomplishment and who pays
15 a fee of \$2.75.

16 **SECTION 727.** 35.86 (1) of the statutes is amended to read:

17 35.86 **(1)** The director of the historical society may procure the exchange of
18 public documents produced by federal, state, county, local, and other agencies as may
19 be desirable to maintain or enlarge its historical, literary, and statistical collections,
20 and may make such distributions of public documents, with or without exchange, as
21 may accord with interstate or international comity. The state law librarian shall
22 procure so many of such exchanges as the state law librarian is authorized by law
23 to make, and the department of health and family services, department of children
24 and families, commission of banking, department of public instruction, legislative
25 reference bureau, and the legislative council staff, may procure by exchange such

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1 documents from other states and countries as may be needed for use in their
2 respective offices. Any other state agency wishing to initiate a formal exchange
3 program in accordance with this section may do so by submitting a formal application
4 to the department and by otherwise complying with this section.

5 **SECTION 728.** 36.09 (1) (e) of the statutes is amended to read:

6 36.09 (1) (e) The board shall appoint a president of the system; a chancellor for
7 each institution; a dean for each college campus; the state geologist; the director of
8 the laboratory of hygiene; the director of the psychiatric institute; the state
9 cartographer; and the requisite number of officers, other than the vice presidents,
10 associate vice presidents, and assistant vice presidents of the system; faculty;
11 academic staff; and other employees and fix the salaries, subject to the limitations
12 under par. (j) and ss. 20.923 (4g), 36.11 (53), and 230.12 (3) (e), the duties and the term
13 of office for each. The board shall fix the salaries, subject to the limitations under
14 par. (j) and ss. 20.923 (4g) and 230.12 (3) (e), and the duties for each chancellor, vice
15 president, associate vice president, and assistant vice president of the system. No
16 sectarian or partisan tests or any tests based upon race, religion, national origin, or
17 sex shall ever be allowed or exercised in the appointment of the employees of the
18 system.

19 **SECTION 729.** 36.09 (1) (j) of the statutes is amended to read:

20 36.09 (1) (j) Except where such matters are a subject of bargaining with a
21 certified representative of a collective bargaining unit under s. 111.91 or 111.998, the
22 board shall establish salaries for persons not in the classified staff prior to July 1 of
23 each year for the next fiscal year, and shall designate the effective dates for payment
24 of the new salaries. In the first year of the biennium, payments of the salaries
25 established for the preceding year shall be continued until the biennial budget bill

SENATE BILL 40**SECTION 729**

1 is enacted. If the budget is enacted after July 1, payments shall be made following
2 enactment of the budget to satisfy the obligations incurred on the effective dates, as
3 designated by the board, for the new salaries, subject only to the appropriation of
4 funds by the legislature and s. 20.928 (3). This paragraph does not limit the
5 authority of the board to establish salaries for new appointments. The board may
6 not increase the salaries of employees specified in ss. 20.923 (5) and (6) (m) and
7 230.08 (2) (d) under this paragraph unless the salary increase conforms to the
8 proposal as approved under s. 230.12 (3) (e) or the board authorizes the salary
9 increase to correct salary inequities under par. (h), to fund job reclassifications or
10 promotions, or to recognize competitive factors. The board may not increase the
11 salary of any position identified in s. 20.923 (4g) under this paragraph unless the
12 salary increase conforms to the proposal as approved under s. 230.12 (3) (e) or the
13 board authorizes the salary increase to correct a salary inequity or to recognize
14 competitive factors. The board may not increase the salary of any position identified
15 in s. 20.923 (4g) (ae) and (am) to correct a salary inequity that results from the
16 appointment of a person to a position identified in s. 20.923 (4g) (ae) and (am) unless
17 the increase is approved by the office of state employment relations. The granting
18 of salary increases to recognize competitive factors does not obligate inclusion of the
19 annualized amount of the increases in the appropriations under s. 20.285 (1) for
20 subsequent fiscal bienniums. No later than October 1 of each year, the board shall
21 report to the joint committee on finance and the secretary of administration and
22 director of the office of state employment relations concerning the amounts of any
23 salary increases granted to recognize competitive factors, and the institutions at
24 which they are granted, for the 12-month period ending on the preceding June 30.

25 **SECTION 730.** 36.11 (3) (d) 1. of the statutes is amended to read:

SENATE BILL 40**SECTION 730**

1 36.11 (3) (d) 1. Except as provided in subd. 2., the board shall require that a \$35
2 \$50 fee accompany each application for admittance from persons seeking admittance
3 to any school within the system as new freshmen or as transfer students from outside
4 the system. The board may exempt from the fee under this subdivision, on the basis
5 of financial need, a maximum of 5% of the applications in any school year.

6 **SECTION 731.** 36.11 (3) (d) 2. of the statutes is amended to read:

7 36.11 (3) (d) 2. The board shall require that a ~~\$45~~ \$60 fee accompany each
8 application for admittance to a graduate school, law school or medical school within
9 the system.

10 **SECTION 732.** 36.11 (53) of the statutes is created to read:

11 36.11 (53) HIGH DEMAND FACULTY SALARIES. In a fiscal year, the board may not
12 expend moneys appropriated under s. 20.285 (1) (a) or (im) to support supplemental
13 salary increases for faculty whose services are in high demand by other higher
14 educational institutions in an amount that exceeds the amount expended for that
15 purpose from those appropriations in the prior fiscal year unless the board has
16 submitted a plan for expending that excessive amount to the secretary of
17 administration and the secretary has approved the expenditure of that excessive
18 amount.

19 **SECTION 733.** 36.27 (2) (cr) of the statutes is created to read:

20 36.27 (2) (cr) A person who is a citizen of a country other than the United States
21 is entitled to the exemption under par. (a) if that person meets all of the following
22 requirements:

23 1. The person graduated from a high school in this state or received a high
24 school graduation equivalency from this state.

SENATE BILL 40**SECTION 733**

1 2. The person was continuously present in this state for at least one year
2 following the first day of attending a high school in this state.

3 3. The person enrolls in an institution and provides that institution with an
4 affidavit stating that the person has filed or will file an application for a permanent
5 resident visa with U.S. Citizenship and Immigration Services as soon as the person
6 is eligible to do so.

7 **SECTION 734.** 36.27 (3n) (b) 3. of the statutes is amended to read:

8 36.27 **(3n)** (b) 3. A child of an eligible veteran, if the child is at least ~~18~~ 17 but
9 not yet 26 years of age ~~and is a full-time student at an institution.~~

10 **SECTION 735.** 36.27 (3n) (c) of the statutes is created to read:

11 36.27 **(3n)** (c) The higher educational aids board shall reimburse the board of
12 regents for all academic fees and segregated fees remitted under par. (b) as provided
13 in s. 39.50 (1).

14 **SECTION 736.** 36.27 (3p) (c) of the statutes is created to read:

15 36.27 **(3p)** (c) The higher educational aids board shall reimburse the board of
16 regents for all nonresident tuition, academic fees, and segregated fees remitted
17 under par. (b) as provided in s. 39.50 (1).

18 **SECTION 737.** 38.04 (21) (intro.) of the statutes is amended to read:

19 38.04 **(21)** (intro.) PUPILS ATTENDING TECHNICAL COLLEGES; BOARD REPORT.
20 Annually by the 3rd Monday in February the board shall submit a report to the
21 department of administration, department of children and families, department of
22 public instruction, and department of workforce development, and to the legislature
23 under s. 13.172 (2). The report shall specify all of the following by school district:

24 **SECTION 738.** 38.22 (6) (e) of the statutes is created to read:

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1 38.22 (6) (e) Any person who is a citizen of a country other than the United
2 States if that person meets all of the following requirements:

3 1. The person graduated from a high school in this state or received a high
4 school graduation equivalency from this state.

5 2. The person was continuously present in this state for at least 3 years
6 following the first day of attending a high school in this state.

7 3. The person enrolls in a district school and provides the district board with
8 an affidavit stating that the person has filed or will file an application for a
9 permanent resident visa with U.S. Citizenship and Immigration Services as soon as
10 the person is eligible to do so.

11 **SECTION 739.** 38.24 (7) (b) 3. of the statutes is amended to read:

12 38.24 (7) (b) 3. A child of an eligible veteran, if the child is at least ~~18~~ 17 but
13 not yet 26 years of age ~~and is a full-time student at a technical college.~~

14 **SECTION 740.** 38.24 (7) (c) of the statutes is created to read:

15 38.24 (7) (c) The higher educational aids board shall reimburse the district
16 board for all fees under sub. (1m) (a) to (c) remitted under par. (b) as provided in s.
17 39.50 (2).

18 **SECTION 741.** 38.24 (8) (c) of the statutes is created to read:

19 38.24 (8) (c) The higher educational aids board shall reimburse the district
20 board for all fees under sub. (1m) (a) to (c) remitted under par. (b) as provided in s.
21 39.50 (2).

22 **SECTION 742.** 38.28 (3) of the statutes is amended to read:

23 38.28 (3) If the appropriation for state aid under s. 20.292 (1) ~~(fe)~~ (u) in any one
24 year is insufficient to pay the full amount under subs. (2) (c) and (g), funds in the
25 appropriation shall be used first for the purposes of sub. (2) (c) and any remaining

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1 funds shall be prorated among the districts entitled to support under sub. (2) (g). If
2 the appropriation for state aid under s. 20.292 (1) (~~fe~~) (u) in any one year is
3 insufficient to pay the full amount under sub. (2) (c), funds in the appropriation shall
4 be prorated among the districts entitled to the funds.

5 **SECTION 743.** 38.29 (2) (c) of the statutes is amended to read:

6 38.29 **(2)** (c) Amounts awarded shall be paid from the appropriation under s.
7 20.292 (1) (~~fg~~) (v).

8 **SECTION 744.** 39.435 (3) of the statutes is amended to read:

9 39.435 **(3)** Grants under sub. (1) shall not be less than \$250 during any one
10 academic year, unless the joint committee on finance approves an adjustment in the
11 amount of the minimum grant. Grants under sub. (1) ~~shall not exceed \$3,000 during~~
12 any one academic year shall not exceed 50 percent of the resident undergraduate
13 academic fees charged to attend the University of Wisconsin–Madison for the
14 previous academic year. The board shall, by rule, establish a reporting system to
15 periodically provide student economic data and shall promulgate other rules the
16 board deems necessary to assure uniform administration of the program.

17 **SECTION 745.** 39.435 (7) (a) 1. of the statutes is amended to read:

18 39.435 **(7)** (a) 1. For purposes of calculating the amount to be appropriated
19 under s. 20.235 (1) (fe) for fiscal year ~~2007–08~~ 2009–10, “base amount” means the
20 amount shown in the schedule under s. 20.005 for that appropriation for fiscal year
21 ~~2006–07~~ 2008–09.

22 **SECTION 746.** 39.435 (7) (a) 2. of the statutes is amended to read:

23 39.435 **(7)** (a) 2. For purposes of calculating the amount to be appropriated
24 under s. 20.235 (1) (fe) for each fiscal year after fiscal year ~~2007–08~~ 2009–10, “base

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1 amount” means the appropriation amount calculated under par. (b) for the previous
2 fiscal year.

3 **SECTION 747.** 39.435 (7) (b) (intro.) of the statutes is amended to read:

4 39.435 (7) (b) (intro.) Biennially, beginning on February 1, ~~2007~~ 2009, the board
5 shall calculate the amounts to be appropriated under s. 20.235 (1) (fe) for the next
6 biennium as follows:

7 **SECTION 748.** 39.437 of the statutes is created to read:

8 **39.437 Wisconsin covenant scholars grants. (1) ESTABLISHMENT OF GRANT**
9 PROGRAM. There is established, to be administered by the board, a Wisconsin
10 Covenant Scholars Program to provide grants to students who meet the eligibility
11 criteria specified in sub. (2).

12 **(2) ELIGIBILITY.** (a) Except as provided in par. (b), a student is eligible for a grant
13 under this section if the student meets all of the following criteria:

14 1. The student is a resident of this state and is enrolled at least half time and
15 registered as a freshman, sophomore, junior, or senior in a public or private,
16 nonprofit, accredited institution of higher education or in a tribally controlled college
17 in this state.

18 2. The student is eligible for a Federal Pell Grant under 20 USC 1070a, the
19 federal adjusted gross income of a parent of the student, as shown on the student’s
20 application for student financial assistance, does not exceed the income guidelines
21 prescribed under 42 USC 1758 (b) for determining eligibility for reduced-price
22 lunches under the federal National School Lunch Act, 42 USC 1751 to 1769i, or, if
23 the student is an independent student, as defined in 20 USC 1087vv, the federal
24 adjusted gross income of the student, as shown on the student’s application for
25 student financial assistance, does not exceed those income guidelines.

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1 (b) 1. The board may not make a grant under this section to a person whose
2 name appears on the statewide support lien docket under s. 49.854 (2) (b), unless the
3 person provides to the board a payment agreement that has been approved by the
4 county child support agency under s. 59.53 (5) and that is consistent with rules
5 promulgated under s. 49.858 (2) (a).

6 2. No student shall be eligible for a grant under this section in more than the
7 equivalent of 10 semesters of undergraduate education.

8 3. No student who fails to meet acceptable academic standards prescribed by
9 the student's institution of higher education or tribally controlled college shall be or
10 shall remain eligible for a grant under this section.

11 **(3) AMOUNT OF GRANT.** The amount of a grant shall be based on financial need,
12 as determined by the board, and shall be paid from the appropriation account under
13 s. 20.235 (1) (fm).

14 **(4) ADMINISTRATION OF GRANT PROGRAM.** (a) By February 1 of each year, the
15 Board of Regents of the University of Wisconsin System shall provide to the board
16 information relating to the resident undergraduate academic fees charged to attend
17 each of the institutions within that system for the current academic year, the
18 technical college system board shall provide to the board information relating to the
19 fees under s. 38.24 (1m) (a) to (c) charged to attend each of the technical colleges
20 within that system for the current academic year, and each tribally controlled college
21 in this state shall provide to the board information relating to the tuition and fees
22 charged to attend the tribal college for the current academic year.

23 (b) By April 1 of each year, the board shall determine the average of the resident
24 undergraduate academic fees charged for the current academic year among the
25 institutions within the University of Wisconsin System, the average of the fees under

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1 s. 38.24 (1m) (a) to (c) charged for the current academic year among the technical
2 colleges in this state, and the average of the tuition and fees charged for the current
3 academic year among the tribally controlled colleges in this state.

4 (5) RULES. The board shall promulgate rules to implement this section,
5 including rules establishing a reporting system to periodically provide student
6 economic data and any other rules the board considers necessary to assure the
7 uniform administration of this section.

8 **SECTION 749.** 39.50 of the statutes is created to read:

9 **39.50 Remission of fees for veterans and dependents. (1)** UNIVERSITY OF
10 WISCONSIN SYSTEM. At the end of each semester, the Board of Regents of the
11 University of Wisconsin System shall certify to the board the number of students
12 enrolled in the University of Wisconsin System to whom any fees or nonresident
13 tuition has been remitted under s. 36.27 (3n) or (3p), the number of credits for which
14 those fees or that nonresident tuition has been remitted, and the amount of fees and
15 nonresident tuition remitted. If the board approves the information certified under
16 this subsection, the board, from the appropriation account under s. 20.235 (1) (fz),
17 shall reimburse the board of regents for the amount of fees and nonresident tuition
18 remitted. The board of regents shall credit any amounts received under this
19 subsection to the appropriation under s. 20.285 (1) (k) and shall expend those
20 amounts received for degree credit instruction.

21 (2) TECHNICAL COLLEGES. At the end of each semester, each technical college
22 district board shall certify to the board the number of students enrolled in the
23 technical college governed by the district board to whom any fees have been remitted
24 under s. 38.24 (7) or (8), the number of credits for which those fees have been
25 remitted, and the amount of those fees remitted. If the board approves the

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1 information certified under this subsection, the board, from the appropriation
2 account under s. 20.235 (1) (fz), shall reimburse the district board for the amount of
3 fees remitted.

4 **SECTION 750.** 40.02 (17) (intro.) of the statutes is amended to read:

5 40.02 (17) (intro.) “Creditable service” means the creditable current and prior
6 service, expressed in years and fractions of a year to the nearest one–hundredth, for
7 which a participating employee receives or is considered to receive earnings under
8 sub. (22) (e) or (em) and for which contributions have been made as required by s.
9 40.05 (1) and (2) and creditable military service, service credited under s. 40.285 (2)
10 (b) and service credited under s. 40.29, expressed in years and fractions of years to
11 the nearest one–hundredth. How much service in any annual earnings period is the
12 full–time equivalent of one year of creditable service shall be determined by rule by
13 the department and the rules may provide for differing equivalents for different
14 types of employment, except that the full–time equivalent of one year of creditable
15 service for an educational support personnel employee is 1,320 hours. Except as
16 provided under s. 40.285 (2) (e) and (f), the amount of creditable service for periods
17 prior to January 1, 1982, shall be the amount for which the participant was eligible
18 under the applicable laws and rules in effect prior to January 1, 1982. No more than
19 one year of creditable service shall be granted for any annual earnings period.
20 Creditable service is determined in the following manner for the following persons:

21 **SECTION 751.** 40.02 (20) of the statutes is renumbered 40.02 (20) (intro.) and
22 amended to read:

23 40.02 (20) (intro.) “Dependent” means the:

24 (a) Except as provided in par. (b), the spouse, minor child, including
25 stepchildren of the current marriage dependent on the employee for support and

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1 maintenance, or child of any age, including stepchildren of the current marriage, if
2 handicapped to an extent requiring continued dependence. For group insurance
3 purposes only, the department may promulgate rules with a different definition of
4 “dependent” than the one otherwise provided in this subsection paragraph for each
5 group insurance plan.

6 **SECTION 752.** 40.02 (20) (b) of the statutes is created to read:

7 40.02 **(20)** (b) For a state employee or for an annuitant who was employed by
8 a state agency on the day on which he or she terminated covered employment, the
9 spouse, domestic partner, minor child, including stepchildren of the current
10 marriage or children of a domestic partner dependent on the employee for support
11 and maintenance, or child of any age, including stepchildren of the current marriage
12 or children of a domestic partner, if handicapped to an extent requiring continued
13 dependence.

14 **SECTION 753.** 40.02 (21c) of the statutes is created to read:

15 40.02 **(21c)** “Domestic partner” means an individual in a domestic partnership.

16 **SECTION 754.** 40.02 (21d) of the statutes is created to read:

17 40.02 **(21d)** “Domestic partnership” means a relationship between 2
18 individuals that satisfies all of the following:

19 (a) Each individual is at least 18 years old and otherwise competent to enter
20 into a contract.

21 (b) Neither individual is married to, or in a domestic partnership with, another
22 individual.

23 (c) The 2 individuals are not related by blood in any way that would prohibit
24 marriage under s. 765.03.

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1 (d) The 2 individuals consider themselves to be members of each other's
2 immediate family.

3 (e) The 2 individuals agree to be responsible for each other's basic living
4 expenses.

5 **SECTION 755.** 40.02 (25) (b) 8. of the statutes is amended to read:

6 40.02 (25) (b) 8. Any other state employee for whom coverage is authorized
7 under a collective bargaining agreement pursuant to subch. I or V, or VI of ch. 111
8 or under s. 230.12 or 233.10.

9 **SECTION 756.** 40.02 (28) of the statutes is amended to read:

10 40.02 (28) "Employer" means the state, including each state agency, any
11 county, city, village, town, school district, other governmental unit or
12 instrumentality of 2 or more units of government now existing or hereafter created
13 within the state, any federated public library system established under s. 43.19
14 whose territory lies within a single county with a population of 500,000 or more, a
15 local exposition district created under subch. II of ch. 229 and a family long-term
16 care district created under s. 46.2895, except as provided under ss. 40.51 (7) and
17 40.61 (3) and subch. X. "Employer" does not include a local cultural arts district
18 created under subch. V of ch. 229. Each employer shall be a separate legal
19 jurisdiction for OASDHI purposes.

20 **SECTION 757.** 40.02 (28) of the statutes, as affected by 1999 Wisconsin Act 65,
21 is amended to read:

22 40.02 (28) "Employer" means the state, including each state agency, any
23 county, city, village, town, school district, other governmental unit or
24 instrumentality of 2 or more units of government now existing or hereafter created
25 within the state, any federated public library system established under s. 43.19

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1 whose territory lies within a single county with a population of 500,000 or more, a
2 local exposition district created under subch. II of ch. 229 and a family long-term
3 care district created under s. 46.2895, except as provided under ss. 40.51 (7) and
4 40.61 (3). “Employer” does not include a local cultural arts district created under
5 subch. V of ch. 229. Each employer shall be a separate legal jurisdiction for OASDHI
6 purposes.

7 **SECTION 758.** 40.02 (33) (d) of the statutes is created to read:

8 40.02 (33) (d) For an educational support personnel employee, the amount
9 calculated under par. (a) multiplied by 1.25.

10 **SECTION 759.** 40.02 (36) of the statutes is amended to read:

11 40.02 (36) “Governing body” means the legislature or the head of each state
12 agency with respect to employees of that agency for the state, the common council
13 in cities, the village board in villages, the town board in towns, the county board in
14 counties, the school board in school districts, or the board, commission or other
15 governing body having the final authority for any other unit of government, for any
16 agency or instrumentality of 2 or more units of government, for any federated public
17 library system established under s. 43.19 whose territory lies within a single county
18 with a population of 500,000 or more, for a local exposition district created under
19 subch. II of ch. 229 or for a family long-term care district created under s. 46.2895,
20 but does not include a local cultural arts district created under subch. V of ch. 229.

21 **SECTION 760.** 40.02 (54) (k) of the statutes is created to read:

22 40.02 (54) (k) The Healthy Wisconsin Authority.

23 **SECTION 761.** 40.02 (54) (L) of the statutes is created to read:

24 40.02 (54) (L) The Health Insurance Risk-Sharing Plan Authority.

25 **SECTION 762.** 40.05 (1) (b) of the statutes is amended to read:

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1 40.05 (1) (b) In lieu of employee payment, the employer may pay all or part of
2 the contributions required by par. (a), but all the payments shall be available for
3 benefit purposes to the same extent as required contributions deducted from
4 earnings of the participating employees. Action to assume employee contributions
5 as provided under this paragraph shall be taken at the time and in the form
6 determined by the governing body of the participating employer. The state shall pay
7 under this paragraph for employees who are covered by a collective bargaining
8 agreement under subch. V or VI of ch. 111 and for employees whose fringe benefits
9 are determined under s. 230.12 an amount equal to 4% of the earnings paid by the
10 state unless otherwise provided in a collective bargaining agreement under subch.
11 V or VI of ch. 111 or unless otherwise determined under s. 230.12. The University
12 of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for
13 employees who are covered by a collective bargaining agreement under subch. I of
14 ch. 111 and for employees whose fringe benefits are determined under s. 233.10 an
15 amount equal to 4% of the earnings paid by the authority unless otherwise provided
16 in a collective bargaining agreement under subch. I of ch. 111 or unless otherwise
17 determined under s. 233.10. The state shall pay under this paragraph for employees
18 who are not covered by a collective bargaining agreement under subch. V or VI of ch.
19 111 and for employees whose fringe benefits are not determined under s. 230.12 an
20 amount equal to 4% of the earnings paid by the state unless a different amount is
21 recommended by the director of the office of state employment relations and
22 approved by the joint committee on employment relations in the manner provided
23 for approval of changes in the compensation plan under s. 230.12 (3). The University
24 of Wisconsin Hospitals and Clinics Authority shall pay under this paragraph for its
25 employees who are not covered by a collective bargaining agreement under subch.

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1 I of ch. 111 an amount equal to 4% of the earnings paid by the authority unless a
2 different amount is established by the board of directors of the authority under s.
3 233.10.

4 **SECTION 763.** 40.05 (4) (a) 2. of the statutes is amended to read:

5 40.05 (4) (a) 2. For an insured employee who is an eligible employee under s.
6 40.02 (25) (a) 2. or (b) 1m., the employer shall pay required employer contributions
7 toward the health insurance premium of the insured employee beginning on the date
8 on which the employee becomes insured. For an insured state employee who is
9 currently employed, but who is not a limited term appointment under s. 230.26 or
10 an eligible employee under s. 40.02 (25) (a) 2. or (b) 1m., the employer shall pay
11 required employer contributions toward the health insurance premium of the
12 insured employee beginning on the first day of the 7th 3rd month beginning after the
13 date on which the employee begins employment with the state, not including any
14 leave of absence. For an insured employee who has a limited term appointment
15 under s. 230.26, the employer shall pay required employer contributions toward the
16 health insurance premium of the insured employee beginning on the first day of the
17 7th month beginning after the date on which the employee first becomes a
18 participating employee.

19 **SECTION 764.** 40.05 (4) (ag) (intro.) of the statutes is amended to read:

20 40.05 (4) (ag) (intro.) Beginning on January 1, 2004, except as otherwise
21 provided in accordance with a collective bargaining agreement under subch. I or V,
22 or VI of ch. 111 or s. 230.12 or 233.10, the employer shall pay for its currently
23 employed insured employees:

24 **SECTION 765.** 40.05 (4) (ar) of the statutes is amended to read:

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1 40.05 (4) (ar) The employer shall pay under par. (a) for employees who are not
2 covered by a collective bargaining agreement under subch. I ~~or~~ V, or VI of ch. 111 and
3 for employees whose health insurance premium contribution rates are not
4 determined under s. 230.12 or 233.10 an amount equal to the amount specified in par.
5 (ag) unless a different amount is recommended by the director of the office of state
6 employment relations and approved by the joint committee on employment relations
7 in the manner provided for approval of changes in the compensation plan under s.
8 230.12 (3).

9 **SECTION 766.** 40.05 (4) (b) of the statutes is amended to read:

10 40.05 (4) (b) Except as provided under pars. (bc) and (bp), accumulated unused
11 sick leave under ss. 13.121 (4), 36.30, 230.35 (2), 233.10, and 757.02 (5) and subch.
12 I ~~or~~ V, or VI of ch. 111 of any eligible employee shall, at the time of death, upon
13 qualifying for an immediate annuity or for a lump sum payment under s. 40.25 (1)
14 or upon termination of creditable service and qualifying as an eligible employee
15 under s. 40.02 (25) (b) 6. or 10., be converted, at the employee's highest basic pay rate
16 he or she received while employed by the state, to credits for payment of health
17 insurance premiums on behalf of the employee or the employee's surviving insured
18 dependents. Any supplemental compensation that is paid to a state employee who
19 is classified under the state classified civil service as a teacher, teacher supervisor,
20 or education director for the employee's completion of educational courses that have
21 been approved by the employee's employer is considered as part of the employee's
22 basic pay for purposes of this paragraph. The full premium for any eligible employee
23 who is insured at the time of retirement, or for the surviving insured dependents of
24 an eligible employee who is deceased, shall be deducted from the credits until the
25 credits are exhausted and paid from the account under s. 40.04 (10), and then

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1 deducted from annuity payments, if the annuity is sufficient. The department shall
2 provide for the direct payment of premiums by the insured to the insurer if the
3 premium to be withheld exceeds the annuity payment. Upon conversion of an
4 employee's unused sick leave to credits under this paragraph or par. (bf), the
5 employee or, if the employee is deceased, the employee's surviving insured
6 dependents may initiate deductions from those credits or may elect to delay
7 initiation of deductions from those credits, but only if the employee or surviving
8 insured dependents are covered by a comparable health insurance plan or policy
9 during the period beginning on the date of the conversion and ending on the date on
10 which the employee or surviving insured dependents later elect to initiate
11 deductions from those credits. If an employee or an employee's surviving insured
12 dependents elect to delay initiation of deductions from those credits, an employee or
13 the employee's surviving insured dependents may only later elect to initiate
14 deductions from those credits during the annual enrollment period under par. (be).
15 A health insurance plan or policy is considered comparable if it provides hospital and
16 medical benefits that are substantially equivalent to the standard health insurance
17 plan established under s. 40.52 (1).

18 **SECTION 767.** 40.05 (4) (bw) of the statutes is amended to read:

19 40.05 (4) (bw) On converting accumulated unused sick leave to credits for the
20 payment of health insurance premiums under par. (b), the department shall add
21 additional credits, calculated in the same manner as are credits under par. (b), that
22 are based on a state employee's accumulated sabbatical leave or earned vacation
23 leave from the state employee's last year of service prior to retirement, or both. The
24 department shall apply the credits awarded under this paragraph for the payment
25 of health insurance premiums only after the credits awarded under par. (b) are

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1 exhausted. This paragraph applies only to state employees who are eligible for
2 accumulated unused sick leave conversion under par. (b) and who are entitled to the
3 benefits under this paragraph pursuant to a collective bargaining agreement under
4 subch. V or VI of ch. 111.

5 **SECTION 768.** 40.05 (4g) (a) 4. of the statutes is amended to read:

6 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
7 or 230.35 (3), under a collective bargaining agreement under subch. V or VI of ch. 111
8 or under rules promulgated by the director of the office of state employment relations
9 or is eligible for reemployment with the state under s. 21.79 after completion of his
10 or her service in the U.S. armed forces.

11 **SECTION 769.** 40.05 (5) (intro.) of the statutes is amended to read:

12 40.05 (5) INCOME CONTINUATION INSURANCE PREMIUMS. (intro.) For the income
13 continuation insurance provided under subch. V the employee shall pay the amount
14 remaining after the employer has contributed the following or, if different, the
15 amount determined under a collective bargaining agreement under subch. I ~~or~~ V, or
16 VI of ch. 111 or s. 230.12 or 233.10:

17 **SECTION 770.** 40.05 (5) (b) 4. of the statutes is amended to read:

18 40.05 (5) (b) 4. The accrual and crediting of sick leave shall be determined in
19 accordance with ss. 13.121 (4), 36.30, 230.35 (2), 233.10 and 757.02 (5) and subch. I
20 ~~or~~ V, or VI of ch. 111.

21 **SECTION 771.** 40.05 (6) (a) of the statutes is amended to read:

22 40.05 (6) (a) Except as otherwise provided in accordance with a collective
23 bargaining agreement under subch. I ~~or~~ V, or VI of ch. 111 or s. 230.12 or 233.10, each
24 insured employee under the age of 70 and annuitant under the age of 65 shall pay
25 for group life insurance coverage a sum, approved by the group insurance board,

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1 which shall not exceed 60 cents monthly for each \$1,000 of group life insurance,
2 based upon the last amount of insurance in force during the month for which
3 earnings are paid. The equivalent premium may be fixed by the group insurance
4 board if the annual compensation is paid in other than 12 monthly installments.

5 **SECTION 772.** 40.22 (2) (a) of the statutes is amended to read:

6 40.22 (2) (a) Except as provided in sub. (2m), the employee is not expected to
7 work at least one-third of what is considered full-time employment by the
8 department, as determined by rule, or, for an educational support personnel
9 employee, as specified under s. 40.02 (17) (intro.).

10 **SECTION 773.** 40.22 (2m) (intro.) of the statutes is amended to read:

11 40.22 (2m) (intro.) An employee who is not expected to work at least one-third
12 of what is considered full-time employment by the department, as determined by
13 rule, or, for an educational support personnel employee, as specified under s. 40.02
14 (17) (intro.), and who is not otherwise excluded under sub. (2) from becoming a
15 participating employee shall become a participating employee if he or she is
16 subsequently employed by the state agency or other participating employer for either
17 of the following periods:

18 **SECTION 774.** 40.22 (2m) (a) of the statutes is amended to read:

19 40.22 (2m) (a) At least one year for at least one-third of what is considered
20 full-time employment by the department, as determined by rule, or, for an
21 educational support personnel employee, as specified under s. 40.02 (17) (intro.).

22 **SECTION 775.** 40.22 (3) (b) of the statutes is amended to read:

23 40.22 (3) (b) The first day after completion of one year of employment for at
24 least one-third of what is considered full-time employment by the department, as
25 determined by rule, or, for an educational support personnel employee, as specified

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1 under s. 40.02 (17) (intro.), if the person becomes a participating employee under sub.
2 (2m) after the employer's effective date of participation.

3 **SECTION 776.** 40.51 (8) of the statutes is amended to read:

4 40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)
5 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)
6 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to
7 (6), 632.895 (5m) and (8) to ~~(14)~~ (15), and 632.896.

8 **SECTION 777.** 40.51 (8m) of the statutes is amended to read:

9 40.51 **(8m)** Every health care coverage plan offered by the group insurance
10 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,
11 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, and 632.895 (11) to ~~(14)~~ (15).

12 **SECTION 778.** 40.62 (2) of the statutes is amended to read:

13 40.62 **(2)** Sick leave accumulation shall be determined in accordance with rules
14 of the department, any collective bargaining agreement under subch. I ~~or~~ V or VI
15 of ch. 111, and ss. 13.121 (4), 36.30, 230.35 (2), 233.10, 757.02 (5) and 978.12 (3).

16 **SECTION 779.** 40.80 (3) of the statutes is amended to read:

17 40.80 **(3)** Any action taken under this section shall apply to employees covered
18 by a collective bargaining agreement under subch. V ~~or~~ VI of ch. 111.

19 **SECTION 780.** 40.81 (3) of the statutes is amended to read:

20 40.81 **(3)** Any action taken under this section shall apply to employees covered
21 by a collective bargaining agreement under subch. IV ~~or~~ V or VI of ch. 111.

22 **SECTION 781.** 40.95 (1) (a) 2. of the statutes is amended to read:

23 40.95 **(1)** (a) 2. The employee has his or her compensation established in a
24 collective bargaining agreement under subch. V ~~or~~ VI of ch. 111.

25 **SECTION 782.** 44.02 (28) of the statutes is created to read:

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1 44.02 **(28)** Annually distribute the amount appropriated under s. 20.245 (1) (b)
2 as a grant to the Wisconsin Black Historical Society and Museum to fund the
3 operations of that society and museum.

4 **SECTION 783.** 45.03 (20) of the statutes is amended to read:

5 45.03 **(20)** TRANSFER OF FUNDS TO THE VETERANS TRUST FUND. If the balance in
6 the appropriation account under s. 20.485 (1) (gk) is in excess of the amount needed
7 for the care of the members of the Wisconsin veterans homes under s. 45.50 and the
8 payment of stipends under s. 45.50 (9) during fiscal year ~~2006–07~~ 2007–08 or
9 2008–09, the department may transfer the excess moneys to the veterans trust fund.
10 The total amount transferred under this subsection may not exceed \$16,000,000
11 \$7,000,000.

12 **SECTION 784.** 45.20 (2) (d) 2. b. of the statutes is amended to read:

13 45.20 **(2)** (d) 2. b. A statement that the veteran is not delinquent in child
14 support or maintenance payments and does not owe past support, medical expenses
15 or birth expenses, signed by the department of ~~workforce development~~ children and
16 families or its designee within 7 working days before the date of the application.

17 **SECTION 785.** 45.33 (2) (b) 1. b. of the statutes is amended to read:

18 45.33 **(2)** (b) 1. b. A statement that the person is not delinquent in child support
19 or maintenance payments and does not owe past support, medical expenses, or birth
20 expenses, signed by the department of ~~workforce development~~ children and families
21 or its designee within 7 working days before the date of the application.

22 **SECTION 786.** 45.42 (6) (b) of the statutes is amended to read:

23 45.42 **(6)** (b) Provides to the department a statement that the applicant is not
24 delinquent in child support or maintenance payments and does not owe past support,
25 medical expenses, or birth expenses, signed by the department of ~~workforce~~

SENATE BILL 40**SECTION 786**

1 development children and families or its designee within 7 working days before the
2 date of the application.

3 **SECTION 787.** 45.51 (10) (b) of the statutes is amended to read:

4 45.51 (10) (b) ~~Except where a sale occurs under s. 16.848, the~~ The department
5 may manage, sell, lease, or transfer property passing to the state pursuant to this
6 section or conveyed to it by members, defend and prosecute all actions concerning it,
7 pay all just claims against it, and do all other things necessary for the protection,
8 preservation, and management of the property. All expenditures necessary for the
9 execution of functions under this paragraph or sub. (14) shall be made from the
10 appropriation in s. 20.485 (1) (h).

11 **SECTION 788.** 45.51 (13) (intro.) of the statutes is amended to read:

12 45.51 (13) **ADDITIONAL ELIGIBILITY REQUIREMENTS FOR SKILLED NURSING FACILITIES.**
13 (intro.) Any person admitted to a skilled nursing facility at a veterans home shall
14 meet the eligibility requirements under ss. 49.45 and 49.46, and, if applicable, s.
15 49.471 and rules promulgated under those sections during residence at the skilled
16 nursing facility except if any of the following apply:

17 **SECTION 789.** 45.51 (13) (a) of the statutes is amended to read:

18 45.51 (13) (a) Persons with sufficient income and resources to meet the
19 expenses of care for one or more months may be admitted to the skilled nursing
20 facility but shall apply income and resources to costs to the extent required under ss.
21 49.45 and 49.46, and, if applicable, s. 49.471 and rules promulgated under those
22 sections.

23 **SECTION 790.** 45.51 (13) (b) of the statutes is amended to read:

24 45.51 (13) (b) Persons who meet all the requirements of this section but whose
25 degree of physical disability does not meet the minimum requirements under ss.

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1 49.45 and 49.46 and rules promulgated under those sections may be admitted to the
2 skilled nursing facility but shall apply income and resources to costs to the extent
3 required by ss. 49.45 and 49.46, and, if applicable, s. 49.471 and rules promulgated
4 under those sections.

5 **SECTION 791.** 45.61 (2) (a) of the statutes is amended to read:

6 45.61 (2) (a) A person who died while on active duty or who was discharged or
7 released from active duty in the U.S. armed forces under ~~honorable~~ conditions other
8 than dishonorable and who was a resident of this state at the time of his or her entry
9 ~~or reentry~~ into active service and his or her dependent child and surviving spouse.

10 **SECTION 792.** 45.61 (2) (b) of the statutes is amended to read:

11 45.61 (2) (b) A person who was discharged or released from active duty in the
12 U.S. armed forces under ~~honorable~~ conditions other than dishonorable and who was
13 a resident of this state at the time of his or her death and his or her dependent child
14 and surviving spouse.

15 **SECTION 793.** 46.001 of the statutes is amended to read:

16 **46.001 Purposes of chapter.** The purposes of this chapter are to conserve
17 human resources in Wisconsin; ~~to provide a just and humane program of services to~~
18 ~~children and unborn children in need of protection or services, nonmarital children~~
19 ~~and the expectant mothers of those unborn children;~~ to prevent dependency, mental
20 illness, developmental disability, mental infirmity, and other forms of social
21 maladjustment by a continuous attack on causes; to provide effective aid and services
22 to all persons in need ~~thereof~~ of that aid and those services and to assist those persons
23 to achieve or regain self-dependence at the earliest possible date; to avoid
24 duplication and waste of effort and money on the part of public and private agencies;
25 and to coordinate and integrate a social welfare program.

SENATE BILL 40**SECTION 794**

1 **SECTION 794.** 46.011 (intro.) of the statutes is amended to read:

2 **46.011 Definitions.** (intro.) In chs. 46, ~~48~~, 50, 51, 54, 55, and 58:

3 **SECTION 795.** 46.011 (1g) of the statutes is created to read:

4 46.011 **(1g)** “Disabled children’s long-term support program” means the
5 programs described under 2001 Wisconsin Act 16, section 9123 (16rs), and 2003
6 Wisconsin Act 33, section 9124 (8c).

7 **SECTION 796.** 46.014 (4) of the statutes is renumbered 49.265 (6) and amended
8 to read:

9 49.265 **(6) REPORTS.** At least annually, the secretary shall submit a report to
10 the chief clerk of each house of the legislature, for distribution to the appropriate
11 standing committees under s. 13.172 (3), concerning activities of community action
12 agencies under s. ~~46.30~~ this section and their effectiveness in promoting social and
13 economic opportunities for poor persons.

14 **SECTION 797.** 46.016 of the statutes is amended to read:

15 **46.016 Cooperation with federal government.** The department may
16 cooperate with the federal government in carrying out federal acts concerning public
17 assistance, social security, ~~child welfare and youth services~~, mental hygiene, services
18 for the blind, and in other matters of mutual concern pertaining to public welfare.

19 **SECTION 798.** 46.02 of the statutes is amended to read:

20 **46.02 Agency powers and duties.** Any institution which ~~which~~ that is subject to
21 chs. 46, ~~48~~ 49 to 51, 55, and 58 and to regulation under ch. 150 shall, in cases of
22 conflict between chs. 46, ~~48~~ 49 to 51, 55, and 58 and ch. 150, be governed by ch. 150.
23 The department shall promulgate rules and establish procedures for resolving any
24 such ~~controversy~~ a conflict.

25 **SECTION 799.** 46.023 of the statutes is renumbered 48.562.

SENATE BILL 40**SECTION 800**

1 **SECTION 800.** 46.03 (4) (b) of the statutes is amended to read:

2 46.03 **(4)** (b) In order to discharge more effectively its responsibilities under
3 this chapter ~~and ch. 48~~ and other relevant provisions of the statutes, be authorized
4 to study causes and methods of prevention and treatment of mental illness, mental
5 deficiency, mental infirmity, and related social problems, including establishment of
6 demonstration projects to apply and evaluate such methods in actual cases. The
7 department is directed and authorized to utilize all powers provided by the statutes,
8 including the authority under sub. (2a), to accept grants of money or property from
9 federal, state, or private sources, and to enlist the cooperation of other appropriate
10 agencies and state departments. The department may enter into agreements with
11 local government subdivisions, departments, and agencies for the joint conduct of
12 these projects, and it may purchase services when deemed considered appropriate.

13 **SECTION 801.** 46.03 (7) (a) of the statutes is amended to read:

14 46.03 **(7)** (a) Promote the enforcement of laws for the protection of
15 developmentally disabled children, ~~children and unborn children in need of~~
16 ~~protection or services and nonmarital children~~; and to this end cooperate with courts
17 assigned to exercise jurisdiction under chs. 48 and 938, licensed child welfare
18 agencies, and public and private institutions and take the initiative in all matters
19 involving the interests of those children ~~and unborn children~~ when adequate
20 provision for those interests has not already been made, including the establishment
21 and enforcement of standards for services provided under ss. 48.345 and 48.347.

22 **SECTION 802.** 46.03 (7) (bm) of the statutes is amended to read:

23 46.03 **(7)** (bm) Maintain a file containing records of artificial inseminations
24 under s. 891.40, ~~declarations of paternal interest under s. 48.025~~, and statements
25 acknowledging paternity under s. 69.15 (3) (b). The department may release those

SENATE BILL 40**SECTION 802**

1 records, ~~declarations,~~ and statements only upon an order of the court except that the
2 department may use nonidentifying information concerning artificial inseminations
3 for the purpose of compiling statistics, ~~declarations of paternal interest shall be~~
4 ~~released as provided in s. 48.025 (3) (b) and (c),~~ and statements acknowledging
5 paternity shall be released without a court order to the department of workforce
6 development children and families or a county child support agency under s. 59.53
7 (5) upon the request of that department or county child support agency pursuant to
8 the program responsibilities under s. 49.22 or to any other person with a direct and
9 tangible interest in the statement.

10 **SECTION 803.** 46.03 (7) (c) of the statutes is repealed.

11 **SECTION 804.** 46.03 (7) (cm) of the statutes is renumbered 48.47 (7) (cm).

12 **SECTION 805.** 46.03 (7) (d) of the statutes is renumbered 48.47 (7) (d).

13 **SECTION 806.** 46.03 (7) (e) of the statutes is repealed.

14 **SECTION 807.** 46.03 (7) (f) of the statutes is renumbered 48.47 (7) (f).

15 **SECTION 808.** 46.03 (7) (h) of the statutes is renumbered 48.47 (7) (h).

16 **SECTION 809.** 46.03 (7g) of the statutes is renumbered 48.47 (7g) and amended
17 to read:

18 **48.47 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM.** Establish
19 a statewide automated child welfare information system. Notwithstanding ss.
20 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30,
21 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), ~~938.396~~
22 ~~(1) and (2) (a)~~ 938.396 (1) and (2), and 938.78 (2) (a), the department may enter the
23 content of any record kept or information received by the department into the
24 statewide automated child welfare information system, and a county department
25 under s. 46.215, 46.22, or 46.23, the department, or any other organization that has

SENATE BILL 40**SECTION 809**

1 entered into an information sharing and access agreement with the department or
2 any of those county departments and that has been approved for access to the
3 statewide automated child welfare information system by the department may have
4 access to information that is maintained in that system, if necessary to enable the
5 county department, department, or organization to perform its duties under this
6 chapter, ch. ~~48~~, 46, 51, 55, or 938, or 42 USC 670 to 679b to or to coordinate the
7 delivery of services under this chapter, ch. ~~48~~, 46, 51, 55, or 938, or 42 USC 670 to
8 679b.

9 **SECTION 810.** 46.03 (7m) of the statutes is renumbered 48.62 (7) and amended
10 to read:

11 48.62 (7) ~~FOSTER CARE.~~ In each federal fiscal year, the department shall ensure
12 that there are no more than 2,200 children in foster care and treatment foster care
13 placements for more than 24 months, consistent with the best interests of each child.
14 Services provided in connection with this requirement shall comply with the
15 requirements under P.L. 96–272.

16 **SECTION 811.** 46.03 (18) (a) of the statutes is amended to read:

17 46.03 (18) (a) Except as provided in s. 46.10 (14) (b) and (c), the department of
18 health and family services shall establish a uniform system of fees for services
19 provided or purchased by the department of health and family services, or a county
20 department under s. 46.215, 46.22, 51.42 or 51.437, except for services provided
21 under subch. III of ch. 49; services relating to adoption; services provided to courts;
22 outreach, information and referral services; or where, as determined by the
23 department of health and family services, a fee is administratively unfeasible or
24 would significantly prevent accomplishing the purpose of the service. A county
25 department under s. 46.215, 46.22, 51.42 or 51.437 shall apply the fees which it

SENATE BILL 40**SECTION 811**

1 collects under this program to cover the cost of such services. ~~The department of~~
2 ~~health and family services shall report to the joint committee on finance no later than~~
3 ~~March 1 of each year on the number of children placed for adoption by the~~
4 ~~department of health and family services during the previous year and the costs to~~
5 ~~the state for services relating to such adoptions.~~

6 **SECTION 812.** 46.03 (18) (a) of the statutes, as affected by 2007 Wisconsin Act
7 (this act), is amended to read:

8 46.03 **(18)** (a) Except as provided in s. 46.10 (14) (b) and (c), the department of
9 ~~health and family services~~ shall establish a uniform system of fees for services
10 provided or purchased by the department of ~~health and family services~~, or a county
11 department under s. 46.215, 46.22, 51.42₁ or 51.437, except for services provided
12 under ch. 48 and subch. III of ch. 49; ~~services relating to adoption; services provided~~
13 ~~to courts; outreach, information and referral services; or where~~ when, as determined
14 by the department of ~~health and family services~~, a fee is administratively unfeasible
15 or would significantly prevent accomplishing the purpose of the service. A county
16 department under s. 46.215, 46.22, 51.42₁ or 51.437 shall apply the fees ~~which~~ that
17 it collects under this program to cover the cost of ~~such~~ those services.

18 **SECTION 813.** 46.03 (18) (am) of the statutes is amended to read:

19 46.03 **(18)** (am) ~~Paragraph (a) does not prevent the department from charging~~
20 ~~and collecting the cost of adoptive placement investigations and child care as~~
21 ~~authorized under s. 48.837 (7).~~ Paragraph (a) also does not prevent a county
22 department under s. 51.42 or 51.437 from charging and collecting the cost of an
23 examination ordered under s. 938.295 (2) (a) as authorized under s. 938.295 (2) (c).

24 **SECTION 814.** 46.03 (18) (ar) of the statutes is created to read:

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1 46.03 (18) (ar) A county may retain fees that it collects under this subsection
2 for services the county provides without state funding under the disabled children's
3 long-term support program.

4 **SECTION 815.** 46.03 (20) (a) of the statutes is amended to read:

5 46.03 (20) (a) Except for payments provided under ch. 48 or subch. III of ch. 49,
6 the department may make payments directly to recipients of public assistance or to
7 such persons authorized to receive such payments in accordance with law and rules
8 of the department on behalf of the counties. Except for payments provided under ch.
9 48 or subch. III of ch. 49, the department may charge the counties for the cost of
10 operating public assistance systems which make such payments.

11 **SECTION 816.** 46.03 (22) (title) of the statutes is amended to read:

12 46.03 (22) (title) COMMUNITY LIVING ARRANGEMENTS FOR ADULTS.

13 **SECTION 817.** 46.03 (22) (a) of the statutes is amended to read:

14 46.03 (22) (a) ~~“Community~~ In this subsection, “community living arrangement
15 for adults” means ~~any of the following facilities licensed or operated, or permitted~~
16 ~~under the authority of the department: residential care centers for children and~~
17 ~~youth, as defined in s. 48.02 (15d), operated by child welfare agencies licensed under~~
18 ~~s. 48.60, group homes for children, as defined in s. 48.02 (7), and community-based~~
19 ~~residential facilities~~ a community-based residential facility, as defined in s. 50.01
20 (1g); ~~but does not include adult family homes, as defined in s. 50.01 (1), day care~~
21 ~~centers, nursing homes, general hospitals, special hospitals, prisons, and jails.~~

22 **SECTION 818.** 46.03 (22) (b) of the statutes is amended to read:

23 46.03 (22) (b) Community living arrangements for adults shall be subject to the
24 same building and housing ordinances, codes, and regulations of the municipality or
25 county as similar residences located in the area in which the facility is located.

SENATE BILL 40**SECTION 819**

1 **SECTION 819.** 46.03 (22) (c) of the statutes is amended to read:

2 46.03 **(22)** (c) The department shall designate a subunit to keep records and
3 supply information on community living arrangements for adults under ss. 59.69
4 (15) (f), 60.63 (7), and 62.23 (7) (i) 6. The subunit shall be responsible for receiving
5 all complaints regarding community living arrangements for adults and for
6 coordinating all necessary investigatory and disciplinary actions under the laws of
7 this state and under the rules of the department relating to the licensing of
8 community living arrangements for adults.

9 **SECTION 820.** 46.03 (22) (d) of the statutes is amended to read:

10 46.03 **(22)** (d) A community living arrangement for adults with a capacity for
11 8 or fewer persons shall be a permissible use for purposes of any deed covenant which
12 limits use of property to single-family or 2-family residences. A community living
13 arrangement for adults with a capacity for 15 or fewer persons shall be a permissible
14 use for purposes of any deed covenant which limits use of property to more than
15 2-family residences. Covenants in deeds which expressly prohibit use of property
16 for community living arrangements for adults are void as against public policy.

17 **SECTION 821.** 46.03 (22) (e) of the statutes is amended to read:

18 46.03 **(22)** (e) If a community living arrangement for adults is required to
19 obtain special zoning permission, as defined in s. 59.69 (15) (g), the department shall,
20 at the request of the unit of government responsible for granting the special zoning
21 permission, inspect the proposed facility and review the program proposed for the
22 facility. After such inspection and review, the department shall transmit to the unit
23 of government responsible for granting the special zoning permission a statement
24 that the proposed facility and its proposed program have been examined and are
25 either approved or disapproved by the department.

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1 **SECTION 822.** 46.03 (29) of the statutes is repealed.

2 **SECTION 823.** 46.03 (39) of the statutes is renumbered 48.47 (39).

3 **SECTION 824.** 46.031 (3) (a) of the statutes is amended to read:

4 46.031 **(3)** (a) *Citizen advisory committee.* Except as provided in par. (b), the
5 county board of supervisors of each county or the county boards of supervisors of 2
6 or more counties jointly shall establish a citizen advisory committee to the county
7 departments under ss. 46.215, 46.22, 46.23, 51.42, and 51.437. The citizen advisory
8 committee shall advise in the formulation of the budget under sub. (1). Membership
9 on the committee shall be determined by the county board of supervisors in a county
10 with a single-county committee or by the county boards of supervisors in counties
11 with a multicounty committee and shall include representatives of those persons
12 receiving services, providers of service and citizens. A majority of the members of the
13 committee shall be citizen and service consumers. ~~At least one member of the~~
14 ~~committee shall be chosen from the governing or administrative board of the~~
15 ~~community action agency serving the county or counties under s. 46.30, if any.~~ The
16 committee's membership may not consist of more than 25% county supervisors, nor
17 of more than 20% service providers. The chairperson of the committee shall be
18 appointed by the county board of supervisors establishing it. In the case of a
19 multicounty committee, the chairperson shall be nominated by the committee and
20 approved by the county boards of supervisors establishing it. The county board of
21 supervisors in a county with a single-county committee or the county boards of
22 supervisors in counties with a multicounty committee may designate an agent to
23 determine the membership of the committee and to appoint the committee
24 chairperson or approve the nominee.

25 **SECTION 825.** 46.034 (1) of the statutes is amended to read:

SENATE BILL 40**SECTION 825**

1 46.034 (1) The department, in order to discharge more effectively its
2 responsibilities under this chapter and chs. 48, 51, 250, and 251 and other relevant
3 provisions of the statutes, may establish community human services pilot programs
4 for the study, implementation, and evaluation of improved human services delivery
5 systems. In the implementation of such those pilot programs, the requirement of
6 statewide uniformity with respect to the organization and governance of human
7 services shall not apply. The department and local governmental bodies may
8 establish such departments, boards, committees, organizational structures, and
9 procedures as may be needed to implement the pilot programs. The departments,
10 boards, committees, and organizational structures may assume responsibilities
11 currently assigned by statute to the departments, boards, committees, or
12 organizational structures that are replaced.

13 **SECTION 826.** 46.036 (1) of the statutes is amended to read:

14 46.036 (1) All care and services purchased by the department or by a county
15 department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, except as provided under
16 subch. III of ch. 49 and s. 301.08 (2), shall be authorized and contracted for under the
17 standards established under this section. The department may require the county
18 departments to submit the contracts to the department for review and approval. For
19 purchases of \$10,000 or less the requirement for a written contract may be waived
20 by the department. ~~No contract is required for care provided by foster homes or~~
21 ~~treatment foster homes that are required to be licensed under s. 48.62.~~ When the
22 department directly contracts for services, it shall follow the procedures in this
23 section in addition to meeting purchasing requirements established in s. 16.75.

24 **SECTION 827.** 46.036 (4) (a) of the statutes is amended to read:

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1 46.036 (4) (a) Except as provided in this paragraph, maintain a uniform double
2 entry accounting system and a management information system which are
3 compatible with cost accounting and control systems prescribed by the department.
4 ~~The department shall establish a simplified double entry bookkeeping system for use~~
5 ~~by family-operated group homes. Each purchaser shall determine whether a~~
6 ~~family-operated group home from which it purchases services shall use the double~~
7 ~~entry accounting system or the simplified system and shall include this~~
8 ~~determination in the purchase of service contract. In this paragraph,~~
9 ~~“family-operated group home” means a group home licensed under s. 48.66 (1) (a) for~~
10 ~~which the licensee is one or more individuals who operate not more than one group~~
11 ~~home.~~

12 **SECTION 828.** 46.036 (4) (c) of the statutes is amended to read:

13 46.036 (4) (c) Unless waived by the department, biennially, or annually if
14 required under federal law, provide the purchaser with a certified financial and
15 compliance audit report if the care and services purchased exceed \$25,000 \$100,000
16 or any higher threshold amount determined by the department. The audit shall
17 follow standards that the department prescribes. A purchaser may waive the
18 requirements of this paragraph for any family-operated group home, as defined
19 under par. (a), from which it purchases services.

20 **SECTION 829.** 46.036 (4) (c) of the statutes, as affected by 2007 Wisconsin Act
21 (this act), is amended to read:

22 46.036 (4) (c) Unless waived by the department, biennially, or annually if
23 required under federal law, provide the purchaser with a certified financial and
24 compliance audit report if the care and services purchased exceed \$100,000 or any
25 higher threshold amount determined by the department. The audit shall follow

SENATE BILL 40**SECTION 829**

1 standards that the department prescribes. ~~A purchaser may waive the requirements~~
2 ~~of this paragraph for any family-operated group home, as defined under par. (a),~~
3 ~~from which it purchases services.~~

4 **SECTION 830.** 46.037 of the statutes is renumbered 49.343 and amended to
5 read:

6 **49.343 Rates for residential child care centers and group homes. (1)**

7 Subject to sub. (1m), each residential ~~child~~ care center for children and youth, as
8 defined in s. 48.02 (15d), and each group home, as defined in s. 48.02 (7), that is
9 ~~licensed under s. 48.625~~ and incorporated under ch. 180, 181, 185, or 193 shall
10 establish a per client rate for its services and shall charge all purchasers the same
11 rate.

12 **(1m)** Notwithstanding sub. (1), the department, a county department under
13 s. 46.215, 46.22, 46.23, 51.42, or 51.437, a group of those county departments, or the
14 department and one or more of those county departments, and a residential ~~child~~
15 care center for children and youth or group home, as described in sub. (1), may
16 negotiate a per client rate for the services of that residential ~~child~~ care center for
17 children and youth or group home, if the department, that county department, the
18 county departments in that group of county departments, or the department and one
19 or more of those county departments, agree to place 75% or more of the residents of
20 that residential ~~child~~ care center for children and youth or group home during the
21 period for which that rate is effective. A residential ~~child~~ care center for children and
22 youth or group home that negotiates a per client rate under this subsection shall
23 charge that rate to all purchasers of its services.

24 **(2)** A residential ~~child~~ care center for children and youth or a group home, as
25 described in sub. (1) or (1m), shall submit to the department the rate it charges and

SENATE BILL 40**SECTION 830**

1 any change in that rate before a charge is made to any purchaser. The department
2 shall provide forms and instructions for the submission of rates and changes in rates
3 under this subsection and a residential ~~child~~ care center for children and youth or
4 a group home that is required to submit a rate or a change in a rate under this
5 subsection shall submit that rate or change in a rate using those forms and
6 instructions.

7 (3) The department may require an audit of any residential ~~child~~ care center
8 for children and youth or group home, as described in sub. (1) or (1m), for the purpose
9 of collecting federal funds.

10 **SECTION 831.** 46.043 (1) of the statutes is amended to read:

11 46.043 (1) In addition to inpatient and outpatient services provided at mental
12 health institutes under ss. 51.05 and 51.07, the department may authorize mental
13 health institutes to offer services other than inpatient mental health services when
14 the department determines that community services need to be supplemented.
15 Services that may be offered under this section include mental health outpatient
16 treatment and services, day programming, consultation and services in residential
17 facilities, including group homes, ~~child-caring institutions~~ residential care centers
18 for children and youth and community-based residential facilities.

19 **SECTION 832.** 46.057 (2) of the statutes is amended to read:

20 46.057 (2) From the appropriation account under s. 20.410 (3) (ba), the
21 department of corrections shall transfer to the appropriation account under s. 20.435
22 (2) (kx) \$1,379,300 in each fiscal year ~~2005–06~~ and \$1,379,300 in fiscal year ~~2006–07~~
23 and, from the appropriation account under s. 20.410 (3) (hm), the department of
24 corrections shall transfer to the appropriation account under s. 20.435 (2) (kx)
25 ~~\$2,271,200~~ \$2,639,800 in fiscal year ~~2005–06~~ and ~~\$2,390,600~~ 2007–08 and

SENATE BILL 40**SECTION 832**

1 \$2,707,300 in fiscal year ~~2006-07~~ 2008-09 for services for juveniles placed at the
2 Mendota juvenile treatment center. The department of health and family services
3 may charge the department of corrections not more than the actual cost of providing
4 those services.

5 **SECTION 833.** 46.10 (14) (b) of the statutes is amended to read:

6 46.10 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
7 of a parent specified in sub. (2) or s. 46.03 (18) for the care and maintenance of the
8 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
9 in a residential, nonmedical facility such as a group home, foster home, treatment
10 foster home, subsidized guardianship home, or residential care center for children
11 and youth shall be determined by the court by using the percentage standard
12 established by the department of ~~workforce-development~~ children and families
13 under s. 49.22 (9) and by applying the percentage standard in the manner
14 established by the department under ~~s. 46.247~~ par. (g).

15 **SECTION 834.** 46.10 (14) (g) of the statutes is created to read:

16 46.10 (14) (g) For purposes of determining child support under par. (b), the
17 department shall promulgate rules related to the application of the standard
18 established by the department of children and families under s. 49.22 (9) to a child
19 support obligation for the care and maintenance of a child who is placed by a court
20 order under s. 48.355 or 48.357 in a residential, nonmedical facility. The rules shall
21 take into account the needs of any person, including dependent children other than
22 the child, whom either parent is legally obligated to support.

23 **SECTION 835.** 46.10 (16) of the statutes is amended to read:

24 46.10 (16) The department shall delegate to county departments under ss.
25 51.42 and 51.437 or the local providers of care and services meeting the standards

SENATE BILL 40**SECTION 835**

1 established by the department under s. 46.036, the responsibilities vested in the
2 department under this section for collection of patient fees for services other than
3 those provided at state facilities ~~or~~, those provided to children that are reimbursed
4 under a waiver under s. 46.27 (11), 46.275,~~7~~ 46.278, or 46.2785, ~~or a waiver requested~~
5 ~~under 2001 Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section~~
6 ~~9124 (8c),~~ those provided under the disabled children's long-term support program
7 if the county departments or providers meet the conditions that the department
8 determines are appropriate. The department may delegate to county departments
9 under ss. 51.42 and 51.437 the responsibilities vested in the department under this
10 section for collection of patient fees for services provided at the state facilities if the
11 necessary conditions are met.

12 **SECTION 836.** 46.16 (1) of the statutes is amended to read:

13 46.16 (1) **GENERALLY.** The department shall investigate and supervise all the
14 charitable and curative institutions, including county infirmaries, of every county
15 and municipality, except tuberculosis sanatoriums; ~~all shelter care facilities for~~
16 ~~children and, and~~ and all hospitals, asylums, and institutions, organized for the purpose
17 set forth in s. 58.01, and familiarize itself with all the circumstances affecting their
18 management and usefulness.

19 **SECTION 837.** 46.16 (2) of the statutes is repealed.

20 **SECTION 838.** 46.16 (2m) of the statutes is repealed.

21 **SECTION 839.** 46.16 (2s) of the statutes is repealed.

22 **SECTION 840.** 46.16 (3) of the statutes is amended to read:

23 46.16 (3) **COUNTY HOMES, POOR RELIEF.** ~~It~~ The department shall visit the county
24 homes and ascertain the number of each sex and the number of mentally ill, mentally
25 deficient, deaf, or blind persons, ~~and children~~ supported in each, at what cost and

SENATE BILL 40**SECTION 840**

1 under what circumstances affecting their health, comfort, morals, and education;
2 collect statistics of the cost of support, and other important facts, of the poor relieved
3 at public expense outside of county homes; and collect information as to the adequacy
4 and efficiency of existing laws for the support and relief of the poor, and the causes
5 of pauperism in the state.

6 **SECTION 841.** 46.16 (7) of the statutes is amended to read:

7 46.16 (7) ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS. Upon
8 request of the department, the attorney general or the district attorney of the proper
9 county shall aid in any investigation, inspection, hearing, or trial had under the
10 provisions of this chapter, ~~or those sections of ch. 48~~ relating to powers of the
11 department, and shall institute and prosecute all necessary actions or proceedings
12 for the enforcement of such those provisions and for the punishment of violations of
13 ~~the same those provisions~~. The attorney general or district attorney so requested
14 shall report or confer with the department regarding the request, within 30 days
15 after the receipt of such the request.

16 **SECTION 842.** 46.17 (1) of the statutes is amended to read:

17 46.17 (1) The department shall fix reasonable standards and regulations for
18 the design, construction, repair, and maintenance of county homes, county
19 infirmaries, county hospitals, and mental health facilities ~~and shelter care facilities~~,
20 with respect to their adequacy and fitness for the needs which they are to serve.

21 **SECTION 843.** 46.206 (1) (a) of the statutes is amended to read:

22 46.206 (1) (a) The department shall supervise the administration of social
23 services, except as provided under ch. 48 and subch. III of ch. 49 and except for
24 juvenile delinquency-related services. The department shall submit to the federal
25 authorities state plans for the administration of social services, except as provided

SENATE BILL 40**SECTION 843**

1 under ch. 48 and subch. III of ch. 49 and except for juvenile delinquency–related
2 services, in such form and containing such information as the federal authorities
3 require, and shall comply with all requirements prescribed to ensure their
4 correctness.

5 **SECTION 844.** 46.206 (1) (bm) of the statutes is amended to read:

6 46.206 (1) (bm) All records of the department relating to aid provided under
7 s. 49.46, 49.465, 49.468, 49.47, 49.471, or 49.77 are open to inspection at reasonable
8 hours by members of the legislature who require the information contained in the
9 records in pursuit of a specific state legislative purpose. All records of any county
10 relating to aid provided under s. 49.46, 49.465, 49.468, 49.47, 49.471, or 49.77 are
11 open to inspection at reasonable hours by members of the board of supervisors of the
12 county or the governing body of a city, village or town located in the county who
13 require the information contained in the records in pursuit of a specific county or
14 municipal legislative purpose. The right to records access provided by this
15 paragraph does not apply if access is prohibited by federal law or regulation or if this
16 state is required to prohibit such access as a condition precedent to participation in
17 a federal program in which this state participates.

18 **SECTION 845.** 46.206 (2) of the statutes is amended to read:

19 46.206 (2) The county administration of all laws relating to social services,
20 except with respect to the programs under ch. 48 and subch. III of ch. 49 and to
21 juvenile delinquency–related programs, shall be vested in the officers and agencies
22 designated in the statutes.

23 **SECTION 846.** 46.21 (2m) (c) of the statutes is amended to read:

24 46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
25 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7) and 253.07

SENATE BILL 40**SECTION 846**

1 (3) (c), a subunit of a county department of human services or tribal agency acting
2 under this subsection may exchange confidential information about a client, without
3 the informed consent of the client, with any other subunit of the same county
4 department of human services or tribal agency, with a resource center, a care
5 management organization, or a family long-term care district, with an
6 elder-adult-at-risk agency, an adult-at-risk agency, or any agency to which referral
7 for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a) 1g., or with a person
8 providing services to the client under a purchase of services contract with the county
9 department of human services or tribal agency or with a resource center, a care
10 management organization, or a family long-term care district, if necessary to enable
11 an employee or service provider to perform his or her duties, or to enable the county
12 department of human services or tribal agency to coordinate the delivery of services
13 to the client. An agency that releases information under this paragraph shall
14 document that a request for information was received and what information was
15 provided.

16 **SECTION 847.** 46.21 (5) (b) of the statutes is amended to read:

17 46.21 (5) (b) Sections 46.10, 49.08, 49.345, 49.90, and 301.12 govern the
18 support and maintenance of persons in any of the institutions specified in sub. (2) (a).

19 **SECTION 848.** 46.215 (1) (d) of the statutes is amended to read:

20 46.215 (1) (d) To make investigations that relate to services under subchs. II,
21 IV, and V of ch. 49 upon request by the department of health and family services, to
22 make investigations that relate to juvenile delinquency-related services at the
23 request of the department of corrections, and to make investigations that relate to
24 programs under ch. 48 and subch. III of ch. 49 upon request by the department of
25 ~~workforce development~~ children and families.

SENATE BILL 40**SECTION 849**

1 **SECTION 849.** 46.215 (1) (j) of the statutes is amended to read:

2 46.215 (1) (j) To make payments in such manner as the department of
3 ~~workforce development~~ children and families may determine for training of
4 recipients, former recipients, and potential recipients of aid in programs established
5 under s. 49.193, 1997 stats., and s. 49.26 (1).

6 **SECTION 850.** 46.215 (1m) of the statutes is amended to read:

7 46.215 (1m) EXCHANGE OF INFORMATION; LONG-TERM CARE. Notwithstanding ss.
8 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
9 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of social
10 services or tribal agency acting under this section may exchange confidential
11 information about a client, without the informed consent of the client, with any other
12 subunit of the same county department of social services or tribal agency, with a
13 resource center, a care management organization, or a family long-term care
14 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency
15 to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a)
16 lg., or with a person providing services to the client under a purchase of services
17 contract with the county department of social services or tribal agency or with a
18 resource center, a care management organization, or a family long-term care
19 district, if necessary to enable an employee or service provider to perform his or her
20 duties, or to enable the county department of social services or tribal agency to
21 coordinate the delivery of services to the client. An agency that releases information
22 under this subsection shall document that a request for information was received
23 and what information was provided.

24 **SECTION 851.** 46.215 (1p) of the statutes is amended to read:

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1 **46.215 (1p)** EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE
2 INFORMATION SYSTEM. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78
3 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (c)~~ 55.22 (3), 146.82,
4 252.11 (7), 252.15, 253.07 (3) (c), ~~938.396 (1) and (2) (a)~~ 938.396 (1) and (2), and 938.78
5 (2) (a), a county department under this section may enter the content of any record
6 kept or information received by that county department into the statewide
7 automated child welfare information system established under s. ~~46.03~~ 48.47 (7g).

8 **SECTION 852.** 46.215 (2) (a) 2. of the statutes is amended to read:

9 **46.215 (2)** (a) 2. In order to ensure the availability of a full range of care and
10 services, the county department of social services may contract, either directly or
11 through the department of ~~workforce development~~ children and families, with public
12 or voluntary agencies or others to purchase, in full or in part, care and services under
13 ch. 48 and subch. III of ch. 49 which the county department of social services is
14 authorized to furnish. This care and these services may be purchased from the
15 department of ~~workforce development~~ children and families if the department of
16 ~~workforce development~~ children and families has staff to furnish the services. If the
17 county department of social services has adequate staff, it may sell the care and
18 services directly to another county or state agency.

19 **SECTION 853.** 46.215 (2) (b) of the statutes is amended to read:

20 **46.215 (2)** (b) A county department of social services may purchase
21 development and training services from the department of health and family
22 services, from the department of ~~workforce development~~ children and families, from
23 the department of corrections or from other county agencies when the services are
24 available. A county department of social services may sell the development and staff

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1 training services to another county or state agency if the county department has
2 adequate staff to provide the services.

3 **SECTION 854.** 46.215 (2) (c) 2. of the statutes is amended to read:

4 46.215 (2) (c) 2. A county department of social services shall develop, under the
5 requirements of s. 49.34, plans and contracts for care and services to be purchased
6 under ch. 48 and subch. III of ch. 49. The department of ~~workforce development~~
7 children and families may review the contracts and approve them if they are
8 consistent with s. 49.34 and if state or federal funds are available for such purposes.
9 The joint committee on finance may require the department of ~~workforce~~
10 ~~development~~ children and families to submit the contracts to the committee for
11 review and approval. The department of ~~workforce development~~ children and
12 families may not make any payments to a county for programs included in a contract
13 under review by the committee.

14 **SECTION 855.** 46.215 (2) (c) 3. of the statutes is amended to read:

15 46.215 (2) (c) 3. A county department of social services shall develop, under the
16 requirements of s. 301.08 (2), plans and contracts for juvenile delinquency-related
17 care and services to be purchased. The department of corrections may review the
18 contracts and approve them if they are consistent with s. 301.08 (2) and if state or
19 federal funds are available for such purposes. The joint committee on finance may
20 require the department of corrections to submit the contracts to the committee for
21 review and approval. The department of corrections may not make any payments
22 to a county for programs included in a contract under review by the committee. The
23 department of corrections shall reimburse each county for the contracts from the
24 appropriations under s. 20.410 (3) (cd) ~~and~~, (ko), and (r) as appropriate.

25 **SECTION 856.** 46.215 (3) of the statutes is amended to read:

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1 46.215 **(3)** PROGRAM BUDGETS. The county department of social services shall
2 submit a final budget to the department of health and family services under s. 46.031
3 (1), to the department of corrections under s. 301.031 (1), and to the department of
4 workforce development children and families under s. 49.325 (1), for authorized
5 services.

6 **SECTION 857.** 46.22 (1) (b) 1. b. of the statutes is amended to read:

7 46.22 **(1)** (b) 1. b. To make investigations which relate to welfare services,
8 except as provided under ch. 48 and subch. III of ch. 49, upon request by the
9 department of health and family services.

10 **SECTION 858.** 46.22 (1) (b) 1. d. of the statutes is amended to read:

11 46.22 **(1)** (b) 1. d. To submit a final budget in accordance with s. 46.031 (1) for
12 services authorized in this section, except for the administration of and cost of aid
13 granted under ss. 49.02, 49.19 and 49.45 to ~~49.47~~ 49.471.

14 **SECTION 859.** 46.22 (1) (b) 1. f. of the statutes is renumbered 46.22 (1) (b) 2. fm.

15 **SECTION 860.** 46.22 (1) (b) 2. (intro.) of the statutes is amended to read:

16 46.22 **(1)** (b) 2. (intro.) A county department of social services shall have the
17 following functions, duties, and powers in accordance with the rules promulgated by
18 the department of workforce development children and families and subject to the
19 supervision of the department of workforce development children and families:

20 **SECTION 861.** 46.22 (1) (b) 2. c. of the statutes is amended to read:

21 46.22 **(1)** (b) 2. c. To make investigations as provided under ch. 48 and subch.
22 III of ch. 49 upon request by the department of workforce development children and
23 families.

24 **SECTION 862.** 46.22 (1) (b) 2. e. of the statutes is amended to read:

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1 46.22 (1) (b) 2. e. To make payments in such manner as the department of
2 ~~workforce development~~ children and families may determine for training of
3 recipients, former recipients and potential recipients of aid in programs established
4 under ss. 49.193, 1997 stats., and s. 49.26 (1).

5 **SECTION 863.** 46.22 (1) (b) 2. g. of the statutes is amended to read:

6 46.22 (1) (b) 2. g. To make certification or referral of eligibles for state or federal
7 works or other assistance programs under ch. 48 and subch. III of ch. 49, eligibility
8 for which is based on need.

9 **SECTION 864.** 46.22 (1) (b) 3. (intro.) of the statutes is amended to read:

10 46.22 (1) (b) 3. (intro.) A county department of social services shall have the
11 following functions, duties, and powers in accordance with the rules promulgated
12 and standards established by the department of health and family services and
13 subject to the supervision of the department of ~~workforce development~~ children and
14 families:

15 **SECTION 865.** 46.22 (1) (b) 3. d. of the statutes is amended to read:

16 46.22 (1) (b) 3. d. To submit a final budget to the department of ~~workforce~~
17 ~~development~~ children and families in accordance with s. 49.325 for services
18 authorized in this subdivision.

19 **SECTION 866.** 46.22 (1) (c) 8. f. of the statutes is amended to read:

20 46.22 (1) (c) 8. f. The county department of social services shall implement the
21 statewide automated child welfare information system established by ~~the~~
22 ~~department~~ under s. ~~46.03~~ 48.47 (7g).

23 **SECTION 867.** 46.22 (1) (d) of the statutes is amended to read:

24 46.22 (1) (d) *Merit system; records.* The county department of social services
25 is subject to s. 49.78 (4) to (7). The county department of social services and all county

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1 officers and employees performing any duties in connection with the administration
2 of aid to families with dependent children shall observe all rules promulgated by the
3 department of ~~workforce development~~ children and families under s. 49.78 (4) and
4 shall keep records and furnish reports as the department of ~~workforce development~~
5 children and families requires in relation to their performance of such duties.

6 **SECTION 868.** 46.22 (1) (dm) of the statutes is amended to read:

7 46.22 (1) (dm) *Exchange of information; long-term care.* Notwithstanding ss.
8 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
9 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of social
10 services or tribal agency acting under this subsection may exchange confidential
11 information about a client, without the informed consent of the client, with any other
12 subunit of the same county department of social services or tribal agency, with a
13 resource center, a care management organization, or a family long-term care
14 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency
15 to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a)
16 1g., or with a person providing services to the client under a purchase of services
17 contract with the county department of social services or tribal agency or with a
18 resource center, a care management organization, or a family long-term care
19 district, if necessary to enable an employee or service provider to perform his or her
20 duties, or to enable the county department of social services or tribal agency to
21 coordinate the delivery of services to the client. An agency that releases information
22 under this paragraph shall document that a request for information was received
23 and what information was provided.

24 **SECTION 869.** 46.22 (1) (dp) of the statutes is amended to read:

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1 46.22 (1) (dp) *Exchange of information; statewide automated child welfare*
2 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)
3 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (c)~~ 55.22 (3), 146.82,
4 252.11 (7), 252.15, 253.07 (3) (c), ~~938.396 (1) and (2) (a)~~ 938.396 (1) and (2), and 938.78
5 (2) (a), a county department under this section may enter the content of any record
6 kept or information received by that county department into the statewide
7 automated child welfare information system established under s. ~~46.03~~ 48.47 (7g).

8 **SECTION 870.** 46.22 (1) (e) 1. of the statutes is amended to read:

9 46.22 (1) (e) 1. In order to ensure the availability of a full range of care and
10 services, a county department of social services may contract, either directly or
11 through the department of health and family services, the department of ~~workforce~~
12 ~~development~~ children and families, or the department of corrections, with public or
13 voluntary agencies or others to purchase, in full or in part, care and services which
14 the county department of social services is authorized by any statute to furnish in
15 any manner. The services may be purchased from the department of health and
16 family services, the department of ~~workforce development~~ children and families, or
17 the department of corrections if the department of health and family services, the
18 department of ~~workforce development~~ children and families, or the department of
19 corrections has staff to furnish the services. The county department of social
20 services, if it has adequate staff, may sell the care and services directly to another
21 county or state agency.

22 **SECTION 871.** 46.22 (1) (e) 2. of the statutes is amended to read:

23 46.22 (1) (e) 2. A county department of social services may purchase
24 development and training services from the department of health and family
25 services, the department of ~~workforce development~~ children and families, or the

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1 department of corrections or from other county agencies if the services are available
2 or sell the development and staff training services to another county or state agency
3 if the county department of social services has adequate staff to provide the services.

4 **SECTION 872.** 46.22 (1) (e) 3. a. of the statutes is amended to read:

5 46.22 (1) (e) 3. a. A county department of social services shall develop, under
6 the requirements of s. 46.036, plans and contracts for care and services, except under
7 ch. 48, subch. III of ch. 49, and s. 301.08 (2), to be purchased. The department of
8 health and family services may review the contracts and approve them if they are
9 consistent with s. 46.036 and to the extent that state or federal funds are available
10 for such purposes. The joint committee on finance may require the department of
11 health and family services to submit the contracts to the committee for review and
12 approval. The department of health and family services may not make any payments
13 to a county for programs included in the contract that is under review by the
14 committee. The department of health and family services shall reimburse each
15 county for the contracts from the appropriations under s. 20.435 (7) (b) and (o)
16 according to s. 46.495.

17 **SECTION 873.** 46.22 (1) (e) 3. b. of the statutes is amended to read:

18 46.22 (1) (e) 3. b. A county department of social services shall develop, under
19 the requirements of s. 49.34, plans and contracts for care and services under ch. 48
20 and subch. III of ch. 49 to be purchased. The department of ~~workforce development~~
21 children and families may review the contracts and approve them if they are
22 consistent with s. 49.34 and to the extent that state or federal funds are available for
23 such purposes. The joint committee on finance may require the department of
24 ~~workforce development~~ children and families to submit the contracts to the
25 committee for review and approval. The department of ~~workforce development~~

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1 children and families may not make any payments to a county for programs included
2 in the contract that is under review by the committee.

3 **SECTION 874.** 46.22 (1) (e) 3. c. of the statutes is amended to read:

4 46.22 (1) (e) 3. c. A county department of social services shall develop, under
5 the requirements of s. 301.08 (2), plans and contracts for juvenile
6 delinquency-related care and services to be purchased. The department of
7 corrections may review the contracts and approve them if they are consistent with
8 s. 301.08 (2) and to the extent that state or federal funds are available for such
9 purposes. The joint committee on finance may require the department of corrections
10 to submit the contracts to the committee for review and approval. The department
11 of corrections may not make any payments to a county for programs included in the
12 contract that is under review by the committee. The department of corrections shall
13 reimburse each county for the contracts from the appropriations under s. 20.410 (3)
14 (cd) and, (ko), and (r) as appropriate.

15 **SECTION 875.** 46.22 (2g) (d) of the statutes is amended to read:

16 46.22 (2g) (d) Prepare, with the assistance of the county social services director
17 under sub. (3m) (b) 5., a proposed budget for submission to the county executive or
18 county administrator, a final budget for submission to the department of health and
19 family services in accordance with s. 46.031 (1) for authorized services, except
20 services under ch. 48, subch. III of ch. 49, or s. 301.08 (2), a final budget for
21 submission to the department of ~~workforce development~~ children and families in
22 accordance with s. 49.325 for authorized services under ch. 48 and subch. III of ch.
23 49, and a final budget for submission to the department of corrections in accordance
24 with s. 301.031 (1) for authorized juvenile delinquency-related services.

25 **SECTION 876.** 46.22 (3m) (b) 12. of the statutes is amended to read:

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1 46.22 **(3m)** (b) 12. Establish priorities in addition to those mandated by the
2 department of health and family services, by the department of ~~workforce~~
3 ~~development~~ children and families, or by the department of corrections.

4 **SECTION 877.** 46.22 (3m) (b) 17. b. of the statutes is amended to read:

5 46.22 **(3m)** (b) 17. b. Such other reports as are required by the secretary of
6 health and family services, the secretary of ~~workforce development~~ children and
7 families, the secretary of corrections, and the county board of supervisors.

8 **SECTION 878.** 46.23 (3) (a) of the statutes is amended to read:

9 46.23 **(3)** (a) *Creation.* Upon approval by the secretary of health and family
10 services, by the secretary of corrections, and by the secretary of ~~workforce~~
11 ~~development~~ children and families of a feasibility study and a program
12 implementation plan, the county board of supervisors of any county with a
13 population of less than 500,000, or the county boards of supervisors of 2 or more
14 contiguous counties, each of which has a population of less than 500,000, may
15 establish by resolution a county department of human services on a single-county
16 or multicounty basis to provide the services required under this section. The county
17 department of human services shall consist of the county human services board, the
18 county human services director and necessary personnel.

19 **SECTION 879.** 46.23 (3) (am) 4. of the statutes is amended to read:

20 46.23 **(3)** (am) 4. No funds may be allocated to any multicounty department of
21 human services until the counties have drawn up a detailed contractual agreement,
22 approved by the secretary of health and family services, by the secretary of
23 corrections, and by the secretary of ~~workforce development~~ children and families,
24 setting forth the plan for joint sponsorship.

25 **SECTION 880.** 46.23 (3) (e) of the statutes is amended to read:

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1 46.23 (3) (e) *Exchange of information; long-term care.* Notwithstanding ss.
2 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82,
3 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), a subunit of a county department of
4 human services or tribal agency acting under this section may exchange confidential
5 information about a client, without the informed consent of the client, with any other
6 subunit of the same county department of human services or tribal agency, with a
7 resource center, a care management organization, or a family long-term care
8 district, with an elder-adult-at-risk agency, an adult-at-risk agency, or any agency
9 to which referral for investigation is made under s. 46.90 (5) (a) 1. or 55.043 (1r) (a)
10 1g., or with a person providing services to the client under a purchase of services
11 contract with the county department of human services or tribal agency or with a
12 resource center, a care management organization, or a family long-term care
13 district, if necessary to enable an employee or service provider to perform his or her
14 duties, or to enable the county department of human services or tribal agency to
15 coordinate the delivery of services to the client. An agency that releases information
16 under this paragraph shall document that a request for information was received
17 and what information was provided.

18 **SECTION 881.** 46.23 (3) (ed) of the statutes is amended to read:

19 46.23 (3) (ed) *Exchange of information; statewide automated child welfare*
20 *information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2)
21 (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), ~~55.06 (17) (e)~~ 55.22 (3), 146.82,
22 252.11 (7), 252.15, 253.07 (3) (c), ~~938.396 (1) and (2) (a)~~ 938.396 (1) and (2), and 938.78
23 (2) (a), a county department under this section may enter the content of any record
24 kept or information received by that county department into the statewide
25 automated child welfare information system established under s. ~~46.03~~ 48.47 (7g).

SENATE BILL 40**SECTION 882**

1 **SECTION 882.** 46.23 (5) (a) 1. of the statutes is amended to read:

2 46.23 (5) (a) 1. Shall determine administrative and program policies, except as
3 provided under ch. 48 and subch. III of ch. 49 and except for juvenile
4 delinquency–related policies, within limits established by the department of health
5 and family services. Policy decisions, except as provided under ch. 48 and subch. III
6 of ch. 49 and except for juvenile delinquency–related policies, not reserved by statute
7 for the department of health and family services may be delegated by the secretary
8 to the county human services board.

9 **SECTION 883.** 46.23 (5) (a) 2. of the statutes is amended to read:

10 46.23 (5) (a) 2. Shall determine administrative and program policies under ch.
11 48 and subch. III of ch. 49 within limits established by the department of ~~workforce~~
12 ~~development~~ children and families. Policy decisions under ch. 48 and subch. III of
13 ch. 49 not reserved by statute for the department of ~~workforce development~~ children
14 and families may be delegated by the secretary of ~~workforce development~~ children
15 and families to the county human services board.

16 **SECTION 884.** 46.23 (5) (b) of the statutes is amended to read:

17 46.23 (5) (b) Shall establish priorities in addition to those mandated by the
18 department of health and family services, the department of corrections, or the
19 department of ~~workforce development~~ children and families.

20 **SECTION 885.** 46.23 (5) (c) 1. of the statutes is amended to read:

21 46.23 (5) (c) 1. Shall determine whether state mandated services, except for
22 services under ch. 48 and subch. III of ch. 49 and juvenile delinquency–related
23 services, are provided or purchased or contracted for with local providers, and
24 monitor the performance of such contracts. Purchase of services contracts shall be
25 subject to the conditions specified in s. 46.036.

SENATE BILL 40**SECTION 886**

1 **SECTION 886.** 46.23 (5) (c) 2. of the statutes is amended to read:

2 46.23 (5) (c) 2. Shall determine whether state mandated services under ch. 48
3 and subch. III of ch. 49 are provided or purchased or contracted for with local
4 providers, and monitor the performance of such contracts. Purchase of services
5 contracts shall be subject to the conditions specified in s. 49.34.

6 **SECTION 887.** 46.23 (5) (n) 1. of the statutes is amended to read:

7 46.23 (5) (n) 1. Shall submit a final budget in accordance with s. 46.031 (1) for
8 authorized services, except for services under ch. 48 and subch. III of ch. 49 and
9 juvenile delinquency–related services. Notwithstanding the categorization of or
10 limits specified for funds allocated under s. 46.495 or 51.423 (2), with the approval
11 of the department of health and family services the county human services board
12 may expend these funds consistent with any service provided under s. 46.495 or
13 51.42.

14 **SECTION 888.** 46.23 (5) (n) 2. of the statutes is amended to read:

15 46.23 (5) (n) 2. Shall submit a final budget in accordance with s. 49.325 (1) for
16 authorized services under ch. 48 and subch. III of ch. 49. Notwithstanding the
17 categorization of or limits specified for funds allocated under s. 48.569, with the
18 approval of the department of children and families the county human services board
19 may expend these funds consistent with any service provided under s. 48.569.

20 **SECTION 889.** 46.23 (5m) (c) of the statutes is amended to read:

21 46.23 (5m) (c) Prepare, with the assistance of the county human services
22 director under sub. (6m) (e), a proposed budget for submission to the county executive
23 or county administrator, a final budget for submission to the department of health
24 and family services in accordance with s. 46.031 (1) for authorized services, except
25 services under ch. 48 and subch. III of ch. 49 and juvenile delinquency–related

SENATE BILL 40**SECTION 889**

1 services, a final budget for submission to the department of ~~workforce development~~
2 children and families in accordance with s. 49.325 for authorized services under ch.
3 48 and subch. III of ch. 49, and a final budget for submission to the department of
4 corrections in accordance with s. 301.031 for authorized juvenile
5 delinquency-related services.

6 **SECTION 890.** 46.23 (6) (a) (intro.) of the statutes is amended to read:

7 46.23 **(6)** (a) (intro.) A county human services director appointed under sub. (5)
8 (f) shall have all of the administrative and executive powers and duties of managing,
9 operating, maintaining, and improving the programs of the county department of
10 human services, subject to the rules promulgated by the department of health and
11 family services for programs, except services or programs under ch. 48 and subch.
12 III of ch. 49 and juvenile delinquency-related services or programs, subject to the
13 rules promulgated by the department of ~~workforce development~~ children and
14 families for services or programs under ch. 48 and subch. III of ch. 49, and subject
15 to the rules promulgated by the department of corrections for juvenile
16 delinquency-related services or programs. In consultation with the county human
17 services board under sub. (5) and subject to its approval, the county human services
18 director shall prepare:

19 **SECTION 891.** 46.23 (6) (a) 3. of the statutes is amended to read:

20 46.23 **(6)** (a) 3. Such other reports as are required by the secretary of health and
21 family services, by the secretary of corrections, or by the secretary of ~~workforce~~
22 ~~development~~ children and families and the county board of supervisors in a county
23 with a single-county department of human services or the county boards of
24 supervisors in counties with a multicounty department of human services.

SENATE BILL 40**SECTION 892**

1 **SECTION 892.** 46.24 of the statutes is renumbered 48.375 (9) and amended to
2 read:

3 **48.375 (9)** ASSISTANCE TO MINORS CONCERNING PARENTAL CONSENT FOR ABORTION.
4 If a minor who is contemplating an abortion requests assistance from a county
5 department under s. 46.215, 46.22 or 46.23 in seeking the consent of the minor's
6 parent, guardian, or legal custodian, or in seeking the consent of an adult family
7 member, as defined in s. ~~48.375 (2) (b)~~, for the contemplated abortion or in seeking
8 a waiver from the circuit court, the county department shall provide assistance,
9 including, if so requested, accompanying the minor as appropriate.

10 **SECTION 893.** 46.247 of the statutes is renumbered 49.345 (14) (g) and amended
11 to read:

12 **49.345 (14) (g)** *Application of child support standard for certain children.* For
13 purposes of determining child support under s. ~~46.10 (14) par. (b)~~, the department
14 shall promulgate rules related to the application of the standard established by the
15 department of workforce development under s. 49.22 (9) to a child support obligation
16 for the care and maintenance of a child who is placed by a court order under s. 48.355
17 or 48.357 in a residential, nonmedical facility. The rules shall take into account the
18 needs of any person, including dependent children other than the child, whom either
19 parent is legally obligated to support.

20 **SECTION 894.** 46.261 (title) of the statutes is renumbered 48.645 (title).

21 **SECTION 895.** 46.261 (1) of the statutes is renumbered 48.645 (1).

22 **SECTION 896.** 46.261 (2) (title) of the statutes is renumbered 48.645 (2) (title).

23 **SECTION 897.** 46.261 (2) (a) (intro.) of the statutes is renumbered 48.645 (2) (a)
24 (intro.).

SENATE BILL 40**SECTION 898**

1 **SECTION 898.** 46.261 (2) (a) 1. of the statutes is renumbered 48.645 (2) (a) 1. and
2 amended to read:

3 48.645 **(2)** (a) 1. A nonrelative who cares for the dependent child in a foster
4 home or treatment foster home having a license under s. 48.62, in a foster home or
5 treatment foster home located within the boundaries of a federally recognized
6 American Indian reservation in this state and licensed by the tribal governing body
7 of the reservation or in a group home licensed under s. 48.625, a subsidized guardian
8 or interim caretaker under s. 48.62 (5) who cares for the dependent child, or a minor
9 custodial parent who cares for the dependent child, regardless of the cause or
10 prospective period of dependency. The state shall reimburse counties pursuant to the
11 procedure under s. ~~46.495~~ 48.569 (2) and the percentage rate of participation set
12 forth in s. ~~46.495~~ 48.569 (1) (d) for aid granted under this section except that if the
13 child does not have legal settlement in the granting county, state reimbursement
14 shall be at 100%. The county department under s. 46.215 ~~or~~, 46.22, or 46.23 or the
15 department under s. 48.48 (17) shall determine the legal settlement of the child. A
16 child under one year of age shall be eligible for aid under this subsection irrespective
17 of any other residence requirement for eligibility within this section.

18 **SECTION 899.** 46.261 (2) (a) 2. of the statutes is renumbered 48.645 (2) (a) 2. and
19 amended to read:

20 48.645 **(2)** (a) 2. A county or, in a county having a population of 500,000 or more,
21 the department, on behalf of a child in the legal custody of a county department under
22 s. 46.215, ~~46.22,~~ or 46.23 or the department under s. 48.48 (17) or on behalf of a child
23 who was removed from the home of a relative, ~~as defined under s. 48.02 (15),~~ as a
24 result of a judicial determination that continuance in the home of a relative would
25 be contrary to the child's welfare for any reason when such the child is placed in a

SENATE BILL 40**SECTION 899**

1 licensed ~~child caring institution~~ residential care center for children and youth by the
2 county department or the department. Reimbursement shall be made by the state
3 pursuant to as provided in subd. 1.

4 **SECTION 900.** 46.261 (2) (a) 3. of the statutes is renumbered 48.645 (2) (a) 3. and
5 amended to read:

6 48.645 (2) (a) 3. A county or, in a county having a population of 500,000 or more,
7 the department, when the child is placed in a licensed foster home, treatment foster
8 home, group home, or residential care center for children and youth or in a subsidized
9 guardianship home by a licensed child welfare agency or by a federally recognized
10 American Indian tribal governing body in this state or by its designee, if the child is
11 in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the
12 department under s. 48.48 (17) or if the child was removed from the home of a
13 relative, ~~as defined under s. 48.02 (15)~~, as a result of a judicial determination that
14 continuance in the home of the relative would be contrary to the child's welfare for
15 any reason and the placement is made pursuant to under an agreement with the
16 county department or the department.

17 **SECTION 901.** 46.261 (2) (a) 4. of the statutes is renumbered 48.645 (2) (a) 4. and
18 amended to read:

19 48.645 (2) (a) 4. A licensed foster home, treatment foster home, group home,
20 or residential care center for children and youth or a subsidized guardianship home
21 when the child is in the custody or guardianship of the state, when the child is a ward
22 of an American Indian tribal court in this state and the placement is made under an
23 agreement between the department and the tribal governing body, or when the child
24 was part of the state's direct service case load and was removed from the home of a
25 relative, ~~as defined under s. 48.02 (15)~~, as a result of a judicial determination that

SENATE BILL 40**SECTION 901**

1 continuance in the home of a relative would be contrary to the child's welfare for any
2 reason and the child is placed by the department.

3 **SECTION 902.** 46.261 (2) (b) of the statutes is renumbered 48.645 (2) (b).

4 **SECTION 903.** 46.261 (3) of the statutes is renumbered 48.645 (3).

5 **SECTION 904.** 46.27 (4) (am) of the statutes is amended to read:

6 46.27 (4) (am) If ~~a local long-term care council in a county~~ the governing board
7 of a resource center assumes under s. ~~46.282 (3) (b)~~ 46.283 (6) (b) 10. the duties of the
8 county long-term support planning committee under this subsection, the county
9 long-term support planning committee for the county is dissolved.

10 **SECTION 905.** 46.27 (4) (c) (intro.) of the statutes is amended to read:

11 46.27 (4) (c) (intro.) The planning committee shall develop, or, if ~~a local~~
12 ~~long-term care council~~ the governing board of a resource center has under s. ~~46.282~~
13 ~~(3) (b)~~ 46.283 (6) (b) 10. assumed the duties of the planning committee, the ~~local~~
14 ~~long-term care council~~ governing board of the resource center shall recommend a
15 community options plan for participation in the program. The plan shall include:

16 **SECTION 906.** 46.27 (4) (c) 5. of the statutes is amended to read:

17 46.27 (4) (c) 5. A description of the method to be used by the committee or, if
18 ~~a local long-term care council~~ the governing board of a resource center has under
19 s. ~~46.282 (3) (b)~~ 46.283 (6) (b) 10. assumed the duties of the planning committee, the
20 ~~local long-term care council~~ governing board of the resource center to monitor the
21 implementation of the program.

22 **SECTION 907.** 46.27 (4) (c) 8. of the statutes is amended to read:

23 46.27 (4) (c) 8. If a contract with an entity under s. ~~46.281 (1) (e) 1.~~ 46.284 (2)
24 is established in the county, a description of how the activities of the entity relate to
25 and are coordinated with the county's proposed program.

SENATE BILL 40**SECTION 908**

1 **SECTION 908.** 46.27 (5) (am) of the statutes is amended to read:

2 46.27 (5) (am) Organize assessment activities specified in sub. (6). The county
3 department or aging unit shall utilize persons for each assessment who can
4 determine the needs of the person being assessed and who know the availability
5 within the county of services alternative to placement in a nursing home. If any
6 hospital patient is referred to a nursing home for admission, these persons shall work
7 with the hospital discharge planner in performing the activities specified in sub. (6).
8 The county department or aging unit shall coordinate the involvement of
9 representatives from the county departments under ss. 46.215, 46.22, 51.42 and
10 51.437, health service providers and the county commission on aging in the
11 assessment activities specified in sub. (6), as well as the person being assessed and
12 members of the person's family or the person's guardian. This paragraph does not
13 apply to a county department or aging unit in a county in which the department has
14 contracted with an entity under s. ~~46.281 (1) (e)~~ 46.284 (2).

15 **SECTION 909.** 46.27 (5) (j) of the statutes is created to read:

16 46.27 (5) (j) Within the time period specified by the department, offer
17 counseling, that is specified by the department, concerning public and private
18 benefit programs to prospective residents of community-based residential facilities
19 who are referred to the county department or aging unit under s. 50.035 (4n).

20 **SECTION 910.** 46.27 (6) (a) 3. of the statutes is amended to read:

21 46.27 (6) (a) 3. In each participating county, except in counties in which the
22 department has contracted with an entity under s. ~~46.281 (1) (e)~~ 46.284 (2),
23 assessments shall be conducted for those persons and in accordance with the
24 procedures described in the county's community options plan. The county may elect
25 to establish assessment priorities for persons in target groups identified by the

SENATE BILL 40**SECTION 910**

1 county in its plan regarding gradual implementation. If a person who is already
2 admitted to a nursing home requests an assessment and if funds allocated for
3 assessments under sub. (7) (am) are available, the county shall conduct the
4 assessment.

5 **SECTION 911.** 46.27 (6g) (intro.) of the statutes is amended to read:

6 46.27 **(6g)** FISCAL RESPONSIBILITY. (intro.) Except as provided in s. 51.40, and
7 within the limitations under sub. (7) (b), the fiscal responsibility of a county for an
8 assessment, unless the assessment is performed by an entity under a contract as
9 specified under s. ~~46.281 (1) (e) 1.~~ 46.284 (2), case plan, or services provided to a
10 person under this section is as follows:

11 **SECTION 912.** 46.27 (6u) (c) 1. a. of the statutes is amended to read:

12 46.27 **(6u)** (c) 1. a. Eligible for medical assistance under s. 49.46, 49.468 ~~or,~~
13 49.47, or 49.471 (4) (a).

14 **SECTION 913.** 46.27 (6u) (d) (intro.) of the statutes is amended to read:

15 46.27 **(6u)** (d) (intro.) In determining financial eligibility under par. (c) 1. and
16 in calculating the amount under par. (c) 2., the county department or aging unit shall
17 include as the assets for any person, except those persons who are eligible for medical
18 assistance under s. 49.46, 49.468 ~~or,~~ 49.47, or 49.471 (4) (a), any portion of assets that
19 the person or the person's spouse has, after August 12, 1993, transferred to another
20 as specified in par. (b), unless one of the following conditions applies:

21 **SECTION 914.** 46.27 (7) (am) of the statutes is amended to read:

22 46.27 **(7)** (am) From the appropriation under s. 20.435 (7) (bd), the department
23 shall allocate funds to each county or private nonprofit agency with which the
24 department contracts to pay assessment and case plan costs under sub. (6) not
25 otherwise paid by fee or under s. 49.45 or 49.78 (2). The department shall reimburse

SENATE BILL 40**SECTION 914**

1 counties for the cost of assessing persons eligible for medical assistance under s.
2 49.46, 49.468, ~~or 49.47,~~ or 49.471 (4) (a) as part of the administrative services of
3 medical assistance, payable under s. 49.45 (3) (a). Counties may use unspent funds
4 allocated under this paragraph to pay the cost of long-term community support
5 services and for a risk reserve under par. (fr).

6 **SECTION 915.** 46.27 (7) (b) of the statutes is amended to read:

7 46.27 (7) (b) From the appropriations under s. 20.435 (7) (bd) and (im), the
8 department shall allocate funds to each county to pay the cost of providing long-term
9 community support services under sub. (5) (b) not otherwise paid under s. 49.45 to
10 persons eligible for medical assistance under s. 49.46 ~~or 49.47,~~ or 49.471 (4) (a) or
11 to persons whom the county department or aging unit administering the program
12 finds likely to become medically indigent within 6 months by spending excess income
13 or assets for medical or remedial care. The average per person reimbursement under
14 this paragraph may not exceed the state share of the average per person payment
15 rate the department expects under s. 49.45 (6m). The county department or aging
16 unit administering the program may spend funds received under this paragraph
17 only in accordance with the case plan and service contract created for each person
18 receiving long-term community support services. Counties may use unspent funds
19 allocated under this paragraph from the appropriation under s. 20.435 (7) (bd) for a
20 risk reserve under par. (fr).

21 **SECTION 916.** 46.27 (7) (cj) 3. a. of the statutes is repealed.

22 **SECTION 917.** 46.27 (7) (fr) 3. c. of the statutes is amended to read:

23 46.27 (7) (fr) 3. c. If approved by a resolution of the county board of supervisors,
24 to transfer funds to a family long-term care district.

25 **SECTION 918.** 46.27 (9) (a) of the statutes is amended to read:

SENATE BILL 40**SECTION 918**

1 46.27 (9) (a) The department may select up to 5 counties that volunteer to
2 participate in a pilot project under which they will receive certain funds allocated for
3 long-term care. The department shall allocate a level of funds to these counties
4 equal to the amount that would otherwise be paid under s. 20.435 (4) (b), ~~(gp)~~, or (w),
5 or (xd) to nursing homes for providing care because of increased utilization of nursing
6 home services, as estimated by the department. In estimating these levels, the
7 department shall exclude any increased utilization of services provided by state
8 centers for the developmentally disabled. The department shall calculate these
9 amounts on a calendar year basis under sub. (10).

10 **SECTION 919.** 46.27 (9) (c) of the statutes is amended to read:

11 46.27 (9) (c) All long-term community support services provided under this
12 pilot project in lieu of nursing home care shall be consistent with those services
13 described in the participating county's community options plan under sub. (4) (c) 1.
14 and provided under sub. (5) (b). Unless the department has contracted under s.
15 ~~46.281 (1) (e) 1.~~ 46.284 (2) with an entity other than the county department, each
16 county participating in the pilot project shall assess persons under sub. (6).

17 **SECTION 920.** 46.27 (10) (a) 1. of the statutes is amended to read:

18 46.27 (10) (a) 1. The department shall determine for each county participating
19 in the pilot project under sub. (9) a funding level of state medical assistance
20 expenditures to be received by the county. This level shall equal the amount that the
21 department determines would otherwise be paid under s. 20.435 (4) (b), ~~(gp)~~, or (w),
22 or (xd), or because of increased utilization of nursing home services, as estimated by
23 the department.

24 **SECTION 921.** 46.27 (11) (c) 5n. a. of the statutes is repealed.

25 **SECTION 922.** 46.275 (1m) (a) of the statutes is amended to read:

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1 46.275 **(1m)** (a) “Medical assistance” means aid provided under subch. IV of ch.
2 49, except s. ss. 49.468 and 49.471.

3 **SECTION 923.** 46.275 (5) (a) of the statutes is amended to read:

4 46.275 **(5)** (a) Medical Assistance reimbursement for services a county, or the
5 department under sub. (3r), provides under this program is available from the
6 appropriation accounts under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), and (xd). If 2 or more
7 counties jointly contract to provide services under this program and the department
8 approves the contract, Medical Assistance reimbursement is also available for
9 services provided jointly by these counties.

10 **SECTION 924.** 46.275 (5) (c) of the statutes is amended to read:

11 46.275 **(5)** (c) The total allocation under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), and
12 (xd) to counties and to the department under sub. (3r) for services provided under
13 this section may not exceed the amount approved by the federal department of health
14 and human services. A county may use funds received under this section only to
15 provide services to persons who meet the requirements under sub. (4) and may not
16 use unexpended funds received under this section to serve other developmentally
17 disabled persons residing in the county.

18 **SECTION 925.** 46.275 (5m) of the statutes is repealed.

19 **SECTION 926.** 46.277 (1m) (a) of the statutes is amended to read:

20 46.277 **(1m)** (a) “Medical assistance” means aid provided under subch. IV of ch.
21 49, except s. ss. 49.468 and 49.471.

22 **SECTION 927.** 46.277 (3) (d) of the statutes is created to read:

23 46.277 **(3)** (d) The county department or aging unit that administers the
24 program under this section shall, within the time period specified by the department,
25 offer counseling, that is specified by the department, concerning public and private

SENATE BILL 40**SECTION 927**

1 benefit programs to prospective residents of community-based residential facilities
2 who are referred to the county department or aging unit under s. 50.035 (4n).

3 **SECTION 928.** 46.277 (5) (d) 1n. a. of the statutes is repealed.

4 **SECTION 929.** 46.277 (5) (g) 3. of the statutes is amended to read:

5 46.277 (5) (g) 3. If it is likely that the number of individuals for whom an
6 enhanced reimbursement for services is provided under subd. 1. and who are
7 diverted from imminent entry into nursing homes will exceed 150, the department
8 may submit a request to the ~~joint committee on finance~~ secretary of administration
9 for approval to provide enhanced reimbursement for services provided under subd.
10 1. for diversion from imminent entry into nursing homes for a number of individuals
11 in excess of 150. ~~Notwithstanding s. 13.101 (3) (a), the committee is not required to~~
12 ~~find that an emergency exists. If the cochairpersons of the committee do not notify~~
13 ~~the secretary within 14 working days after the date of the department's submittal~~
14 ~~that the committee intends to schedule a meeting to review the request, approval of~~
15 ~~the request is granted. If, within 14 working days after the date of the department's~~
16 ~~request submittal, the cochairpersons of the committee notify the secretary that the~~
17 ~~committee intends to schedule a meeting to review the request, the request may be~~
18 ~~granted only as approved by the committee.~~

19 **SECTION 930.** 46.278 (1m) (b) of the statutes is amended to read:

20 46.278 (1m) (b) "Medical assistance" means aid provided under subch. IV of ch.
21 49, except s. ss. 49.468 and 49.471.

22 **SECTION 931.** 46.278 (6) (d) of the statutes is amended to read:

23 46.278 (6) (d) If a county makes available nonfederal funds equal to the state
24 share of service costs under a waiver received under sub. (3), the department may,
25 from the appropriation under s. 20.435 (4) (o), provide reimbursement for services

SENATE BILL 40**SECTION 931**

1 that the county provides under this section to persons who are in addition to those
2 who may be served under this section with funds from the appropriation account
3 under s. 20.435 (4) (b) ~~or~~, (w), or (xd).

4 **SECTION 932.** 46.2785 (5) (a) of the statutes is amended to read:

5 46.2785 (5) (a) Medical assistance reimbursement for services a county or
6 private agency contracts for or provides under the waiver program shall be made
7 from the appropriation accounts under s. 20.435 (4) (b) ~~and~~, (o), and (xd).

8 **SECTION 933.** 46.28 (1) (f) of the statutes is amended to read:

9 46.28 (1) (f) “Victim of domestic abuse” means an individual who has
10 encountered domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a).

11 **SECTION 934.** 46.2803 (2) of the statutes is created to read:

12 46.2803 (2) Notwithstanding s. 46.27 (7), a county in which a care management
13 organization is operating pursuant to a contract under s. 46.284 (2) or a county in
14 which a program described under s. 46.2805 (1) (a) or (b) is administered may use
15 funds appropriated under 20.435 (7) (bd) and allocated to the county under s. 46.27
16 (7) to provide community mental health or substance abuse services and supports for
17 persons with mental illness or persons in need of services or supports for substance
18 abuse and to provide services under the Family Support Program under s. 46.985.

19 **SECTION 935.** 46.2804 (title) of the statutes is amended to read:

20 **46.2804** (title) ~~Managed care programs for~~ Client management of
21 managed care long-term care services benefit.

22 **SECTION 936.** 46.2804 (1) of the statutes is repealed.

23 **SECTION 937.** 46.2804 (2) of the statutes is renumbered 46.2804.

24 **SECTION 938.** 46.2805 (5) of the statutes is renumbered 46.2805 (7r) and
25 amended to read:

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1 46.2805 (7r) “Family Long-term care district” means a special purpose district
2 created under s. 46.2895 (1).

3 **SECTION 939.** 46.2805 (6) of the statutes is renumbered 46.2805 (7u) and
4 amended to read:

5 46.2805 (7u) “Family Long-term care district board” means the governing
6 board of a family long-term care district.

7 **SECTION 940.** 46.2805 (6m) of the statutes is created to read:

8 46.2805 (6m) “Family member” means a spouse or an individual related by
9 blood, marriage, or adoption within the 3rd degree of kinship as computed under s.
10 990.001 (16).

11 **SECTION 941.** 46.2805 (6r) of the statutes is created to read:

12 46.2805 (6r) “Financial and cost-sharing screening” means a screening to
13 determine financial eligibility under s. 46.286 (1) (b) and cost-sharing under s.
14 46.286 (2) using a uniform tool prescribed by the department.

15 **SECTION 942.** 46.2805 (6v) of the statutes is created to read:

16 46.2805 (6v) “Frail elder” means an individual who is 65 years of age or older
17 and has a physical disability or irreversible dementia that restricts the individual’s
18 ability to perform normal daily tasks or that threatens the capacity of the individual
19 to live independently.

20 **SECTION 943.** 46.2805 (7) of the statutes is amended to read:

21 46.2805 (7) “~~Functional and financial screen~~ screening” means a screen
22 ~~prescribed by the department that is used~~ screening to determine functional
23 eligibility under s. 46.286 (1) (a) and ~~financial eligibility under s. 46.286 (1) (b) using~~
24 a uniform tool prescribed by the department.

25 **SECTION 944.** 46.2805 (7m) of the statutes is repealed.

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1 **SECTION 945.** 46.281 (1) (intro.) of the statutes is renumbered 46.281 (1n)
2 (intro.), and 46.281 (1n) (title), as renumbered, is amended to read:

3 46.281 (1n) (title) ~~DUTIES~~ OTHER DUTIES OF THE DEPARTMENT.

4 **SECTION 946.** 46.281 (1) (c) of the statutes is renumbered 46.281 (1d) and
5 amended to read:

6 46.281 (1d) WAIVER REQUEST. ~~Request~~ The department shall request from the
7 secretary of the federal department of health and human services any waivers of
8 federal medicaid laws necessary to permit the use of federal moneys to provide the
9 family care benefit to recipients of medical assistance. The department shall
10 implement any waiver that is approved and that is consistent with ss. 46.2805 to
11 46.2895. Regardless of whether a waiver is approved, the department may
12 implement operation of resource centers, care management organizations, and the
13 family care benefit.

14 **SECTION 947.** 46.281 (1) (d) of the statutes is repealed.

15 **SECTION 948.** 46.281 (1) (e) of the statutes is repealed.

16 **SECTION 949.** 46.281 (1) (f) of the statutes is renumbered 46.281 (1n) (a).

17 **SECTION 950.** 46.281 (1) (g) of the statutes is renumbered 46.281 (1n) (b).

18 **SECTION 951.** 46.281 (1) (h) of the statutes is renumbered 46.281 (1n) (c).

19 **SECTION 952.** 46.281 (1) (i) of the statutes is repealed.

20 **SECTION 953.** 46.281 (1g) of the statutes is created to read:

21 46.281 (1g) CONTRACTING FOR RESOURCE CENTERS AND CARE MANAGEMENT
22 ORGANIZATIONS. The department may contract with entities as provided under s.
23 46.283 (2) to provide the services under s. 46.283 (3) and (4) as resource centers in
24 any geographic area in the state, and may contract with entities as provided under

SENATE BILL 40**SECTION 953**

1 s. 46.284 (2) to administer the family care benefit as care management organizations
2 in any geographic area in the state.

3 **SECTION 954.** 46.281 (1n) (d) of the statutes is created to read:

4 46.281 **(1n)** (d) 1. Establish regions for long-term care advisory committees
5 under s. 46.2825, periodically review the boundaries of the regions, and, as
6 appropriate, revise the boundaries.

7 2. Specify the number of members that each governing board of a resource
8 center shall appoint to a regional long-term care advisory committee. The total
9 number of committee members shall not exceed 25, and the department shall allot
10 committee membership equally among the governing boards of resource centers
11 operating within the boundaries of the regional long-term care advisory committee.

12 3. Provide information and staff assistance to assist regional long-term care
13 advisory committees in performing the duties under s. 46.2825 (2).

14 **SECTION 955.** 46.281 (2) (title) of the statutes is amended to read:

15 46.281 **(2)** (title) ~~POWERS~~ OTHER POWERS OF THE DEPARTMENT.

16 **SECTION 956.** 46.281 (3) of the statutes is amended to read:

17 46.281 **(3)** DUTY OF THE SECRETARY. The secretary shall certify to each county,
18 hospital, nursing home, community-based residential facility, adult family home
19 and residential care apartment complex the date on which a resource center that
20 serves the area of the county, hospital, nursing home, community-based residential
21 facility, adult family home or residential care apartment complex is first available
22 to ~~provide a~~ perform functional screenings and financial screen and cost-sharing
23 screenings. To facilitate phase-in of services of resource centers, the secretary may
24 certify that the resource center is available for specified groups of eligible individuals
25 or for specified facilities in the county.

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1 **SECTION 957.** 46.282 (title) of the statutes is repealed.

2 **SECTION 958.** 46.282 (2) of the statutes is repealed.

3 **SECTION 959.** 46.282 (3) (title) of the statutes is repealed.

4 **SECTION 960.** 46.282 (3) (a) (intro.) of the statutes is repealed.

5 **SECTION 961.** 46.282 (3) (a) 1. of the statutes is repealed.

6 **SECTION 962.** 46.282 (3) (a) 2. of the statutes is repealed.

7 **SECTION 963.** 46.282 (3) (a) 3. of the statutes is repealed.

8 **SECTION 964.** 46.282 (3) (a) 4. of the statutes is repealed.

9 **SECTION 965.** 46.282 (3) (a) 5. of the statutes is repealed.

10 **SECTION 966.** 46.282 (3) (a) 6. of the statutes is repealed.

11 **SECTION 967.** 46.282 (3) (a) 7. of the statutes is repealed.

12 **SECTION 968.** 46.282 (3) (a) 8. of the statutes is renumbered 46.2825 (2) (e) and
13 amended to read:

14 46.2825 (2) (e) Monitor ~~the pattern of~~ enrollments and disenrollments in local
15 care management organizations that provide services in the committee's region.

16 **SECTION 969.** 46.282 (3) (a) 9. of the statutes is renumbered 46.283 (6) (b) 3. and
17 amended to read:

18 46.283 (6) (b) 3. Identify any gaps in services, living arrangements, and
19 community resources ~~and develop strategies to build local capacity to serve older~~
20 ~~persons and persons with physical or developmental disabilities~~ needed by
21 individuals belonging to the client groups served by the resource center, especially
22 those with long-term care needs.

23 **SECTION 970.** 46.282 (3) (a) 10. of the statutes is renumbered 46.2825 (2) (g) and
24 amended to read:

SENATE BILL 40**SECTION 970**

1 46.2825 (2) (g) Perform long-range planning on long-term care policy for ~~older~~
2 ~~persons and persons with physical or developmental disabilities~~ individuals
3 belonging to the client groups served by the resource center.

4 **SECTION 971.** 46.282 (3) (a) 11. of the statutes is renumbered 46.283 (6) (b) 8.
5 and amended to read:

6 46.283 (6) (b) 8. Annually review interagency agreements between ~~a~~ the
7 resource center and care management organization or organizations that provide
8 services in the area served by the resource center and make recommendations, as
9 appropriate, on the interaction between the resource center and the care
10 management ~~organization or organizations~~ to assure coordination between or
11 among them and to assure access to and timeliness in provision of services by the
12 resource center and the care management organizations.

13 **SECTION 972.** 46.282 (3) (a) 12. of the statutes is renumbered 46.283 (6) (b) 9.
14 and amended to read:

15 46.283 (6) (b) 9. Annually review Review the number and types of complaints
16 and grievances about and appeals concerning the long-term care system ~~by persons~~
17 ~~who receive or may receive care under the system~~ in the area served by the resource
18 center, to determine if a need exists for system changes, and recommend system or
19 other changes if appropriate.

20 **SECTION 973.** 46.282 (3) (a) 13. of the statutes is renumbered 46.283 (6) (b) 6.
21 and amended to read:

22 46.283 (6) (b) 6. Identify potential new sources of community resources and
23 funding for needed services for ~~older persons and persons with physical or~~
24 ~~developmental disabilities~~ individuals belonging to the client groups served by the
25 resource center.

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1 **SECTION 974.** 46.282 (3) (a) 14. of the statutes is repealed.

2 **SECTION 975.** 46.282 (3) (a) 15. of the statutes is repealed.

3 **SECTION 976.** 46.282 (3) (b) of the statutes is renumbered 46.283 (6) (b) 10. and
4 amended to read:

5 46.283 **(6)** (b) 10. ~~A local long-term care council may, within the local~~
6 ~~long-term care council's area~~ If directed to do so by the county board, assume the
7 duties of the county long-term community support planning committee as specified
8 under s. 46.27 (4) for a county served by the resource center.

9 **SECTION 977.** 46.2825 of the statutes is created to read:

10 **46.2825 Regional long-term care advisory committees. (1) CREATION.**
11 The governing board of each resource center operating in a region established by the
12 department under s. 46.281 (1n) (d) 1. shall appoint the number of its members that
13 is specified by the department under s. 46.281 (1n) (d) 2. to a regional long-term care
14 advisory committee. At least 50 percent of the persons a resource center board
15 appoints to a regional long-term care advisory committee shall be older persons or
16 persons with a physical or developmental disability or their family members,
17 guardians, or other advocates.

18 **(2) DUTIES.** A regional long-term care advisory committee shall do all of the
19 following:

20 (a) Evaluate the performance of care management organizations and entities
21 that operate a program described under s. 46.2805 (1) (a) or (b) in the committee's
22 region with respect to responsiveness to recipients of their services, fostering choices
23 for recipients, and other issues affecting recipients; and make recommendations
24 based on the evaluation to the department and to the care management
25 organizations and entities, as appropriate.

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1 (b) Evaluate the performance of resource centers operating in the committee's
2 region and, as appropriate, make recommendations, concerning their performance
3 to the department and the resource centers.

4 (c) Monitor grievances and appeals made to care management organizations
5 or entities that operate a program described under s. 46.2805 (1) (a) or (b) within the
6 committee's region.

7 (d) Review utilization of long-term care services in the committee's region.

8 (f) Using information gathered under s. 46.283 (6) (b) 2. by governing boards
9 of resources centers operating in the committee's region and other available
10 information, identify any gaps in the availability of services, living arrangements,
11 and community resources needed by older persons and persons with physical or
12 developmental disabilities, and develop strategies to build capacity to provide those
13 services, living arrangements, and community resources in the committee's region.

14 (h) Annually report to the department regarding significant achievements and
15 problems relating to the provision of long-term care services in the committee's
16 region.

17 **SECTION 978.** 46.283 (1) (a) 2. of the statutes is amended to read:

18 46.283 (1) (a) 2. Whether to create a family long-term care district to apply to
19 the department for a contract to operate a resource center.

20 **SECTION 979.** 46.283 (2) (a) of the statutes is repealed.

21 **SECTION 980.** 46.283 (2) (b) of the statutes is renumbered 46.283 (2), and 46.283
22 (2) (intro.) and (b), as renumbered, are amended to read:

23 46.283 (2) (intro.) ~~After June 30, 2001, the~~ The department may, ~~if the~~
24 ~~applicable review conditions under s. 46.281 (1) (e) 2. are satisfied,~~ contract to
25 operate a resource center with counties, family long-term care districts, or the

SENATE BILL 40**SECTION 980**

1 governing body of a tribe or band or the Great Lakes Inter-Tribal Council, Inc., under
2 a joint application of any of these, or with a private nonprofit organization if the
3 department determines that the organization has no significant connection to an
4 entity that operates a care management organization and if any of the following
5 applies:

6 (b) A county agency or a family long-term care district applies for a contract
7 but fails to meet the standards specified in sub. (3).

8 **SECTION 981.** 46.283 (3) (h) of the statutes is repealed.

9 **SECTION 982.** 46.283 (3) (i) of the statutes is repealed.

10 **SECTION 983.** 46.283 (3) (k) of the statutes is amended to read:

11 46.283 (3) (k) A determination of eligibility for state supplemental payments
12 under s. 49.77, medical assistance under s. 49.46, 49.468 ~~or~~ 49.47, or 49.471, or the
13 federal food stamp program under 7 USC 2011 to 2029.

14 **SECTION 984.** 46.283 (4) (e) of the statutes is amended to read:

15 46.283 (4) (e) ~~Within 6 months after the family care benefit is available to all~~
16 ~~eligible persons in the area of the resource center, provide~~ Provide information about
17 the services of the resource center, including the services specified in sub. (3) (d),
18 about assessments under s. 46.284 (4) (b) and care plans under s. 46.284 (4) (c) and
19 about the family care benefit to all older persons and persons with a physical
20 disability who are residents of nursing homes, community-based residential
21 facilities, adult family homes and residential care apartment complexes in the area
22 of the resource center.

23 **SECTION 985.** 46.283 (4) (f) of the statutes is amended to read:

24 46.283 (4) (f) ~~Provide~~ Perform a functional screening and a financial screen to
25 and cost-sharing screening for any resident, as specified in par. (e), who requests a

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1 ~~screen~~ screening and assist any resident who is eligible and chooses to enroll in a care
2 management organization to do so.

3 **SECTION 986.** 46.283 (4) (g) of the statutes is amended to read:

4 46.283 (4) (g) ~~Provide~~ Perform a functional screening and a financial screen to
5 and cost-sharing screening for any person seeking admission to a nursing home,
6 community-based residential facility, residential care apartment complex, or adult
7 family home if the secretary has certified that the resource center is available to the
8 person and the facility and the person is determined by the resource center to have
9 a condition that is expected to last at least 90 days that would require care,
10 assistance, or supervision. A resource center may not require a financial screen and
11 cost-sharing screening for a person seeking admission or about to be admitted on a
12 private pay basis who waives the requirement for a financial screen and cost-sharing
13 screening under this paragraph, unless the person is expected to become eligible for
14 medical assistance within 6 months. A resource center need not ~~provide~~ perform a
15 functional screen ~~for~~ screening for a person seeking admission or about to be
16 admitted ~~who has received a screen for~~ whom a functional eligibility ~~under s. 46.286~~
17 ~~(1) (a)~~ screening was performed within the previous 6 months.

18 **SECTION 987.** 46.283 (4) (j) of the statutes is created to read:

19 46.283 (4) (j) Target any outreach, education, and prevention services it
20 provides and any service development efforts it conducts on the basis of findings
21 made by the governing board of the resource center under sub. (6) (b) 2. and 3.

22 **SECTION 988.** 46.283 (5) of the statutes is amended to read:

23 46.283 (5) FUNDING. From the appropriation accounts under s. 20.435 (4) (b),
24 (bm), ~~(gp)~~, (pa), ~~and (w)~~, and (xd) and (7) (b), (bd), and (md), the department may
25 contract with organizations that meet standards under sub. (3) for performance of

SENATE BILL 40**SECTION 988**

1 the duties under sub. (4) and shall distribute funds for services provided by resource
2 centers.

3 **SECTION 989.** 46.283 (6) of the statutes is amended to read:

4 46.283 (6) GOVERNING BOARD. (a) 1. A resource center shall have a governing
5 board that reflects the ethnic and economic diversity of the geographic area served
6 by the resource center.

7 2. At least one-fourth of the members of the governing board shall be older
8 ~~persons or persons with physical or developmental disabilities~~ individuals who
9 belong to a client group served by the resource center or their family members,
10 guardians, or other advocates. The proportion of these board members who belong
11 to each client group, or their family members, guardians, or advocates, shall be the
12 same, respectively, as the proportion of individuals in this state who receive services
13 under s. 46.2805 to 46.2895 and belong to each client group.

14 **SECTION 990.** 46.283 (6) (a) 3. of the statutes is created to read:

15 46.283 (6) (a) 3. An individual who has a financial interest in, or serves on the
16 governing board of, a care management organization or an organization that
17 administers a program described under s. 46.2805 (1) (a) or (b) or a managed care
18 program under s. 49.45 for individuals who are eligible to receive supplemental
19 security income under 42 USC 1381 to 1383c, which serves any geographic area also
20 served by a resource center, and the individual's family members, may not serve as
21 members of the governing board of the resource center.

22 **SECTION 991.** 46.283 (6) (b) of the statutes is created to read:

23 46.283 (6) (b) The governing board of a resource center shall do all of the
24 following:

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1 1. Determine the structure, policies, and procedures of, and oversee the
2 operations of, the resource center. The operations of a resource center that is
3 operated by a county are subject to the county's ordinances and budget.

4 2. Annually gather information from consumers and providers of long-term
5 care services and other interested persons concerning the adequacy of long-term
6 care services offered in the area served by the resource center. The board shall
7 provide well-advertised opportunities for persons to participate in the board's
8 information gathering activities conducted under this subdivision.

9 4. Report findings made under subds. 2. and 3. to the applicable regional
10 long-term care advisory committee.

11 5. Recommend strategies for building local capacity to serve older persons and
12 persons with physical or developmental disabilities, as appropriate, to local elected
13 officials, the regional long-term care advisory committee, or the department.

14 7. Appoint members to the regional long-term care advisory committee, as
15 provided under s. 46.2825 (1).

16 **SECTION 992.** 46.284 (1) (a) (intro.) of the statutes is amended to read:

17 46.284 (1) (a) (intro.) ~~After considering recommendations of the local~~
18 ~~long-term care council under s. 46.282 (3) (a) 1., a~~ A county board of supervisors and,
19 in a county with a county executive or a county administrator, the county executive
20 or county administrator, may decide all of the following:

21 **SECTION 993.** 46.284 (1) (a) 2. of the statutes is amended to read:

22 46.284 (1) (a) 2. Whether to create a family long-term care district to apply to
23 the department for a contract to operate a care management organization.

24 **SECTION 994.** 46.284 (2) (b) (intro.) of the statutes is repealed.

25 **SECTION 995.** 46.284 (2) (b) 1. of the statutes is repealed.

SENATE BILL 40**SECTION 996**

1 **SECTION 996.** 46.284 (2) (b) 2. of the statutes is repealed.

2 **SECTION 997.** 46.284 (2) (b) 3. of the statutes is renumbered 46.284 (2) (bm) and
3 amended to read:

4 46.284 (2) (bm) After ~~December 31, 2003, the~~ The department may contract
5 with counties, family long-term care districts, the governing body of a tribe or band
6 or the Great Lakes inter-tribal council, inc., or under a joint application of any of
7 these, or with a private organization that has no significant connection to an entity
8 that operates a resource center. Proposals for contracts under this subdivision shall
9 be solicited under a competitive sealed proposal process under s. 16.75 (2m) and,
10 ~~after consulting with the local long-term care council for the county or counties, the~~
11 department shall evaluate the proposals primarily as to the quality of care that is
12 proposed to be provided, certify those applicants that meet the requirements
13 specified in sub. (3) (a), select certified applicants for contract and contract with the
14 selected applicants.

15 **SECTION 998.** 46.284 (3) (a) of the statutes is amended to read:

16 46.284 (3) (a) If an entity meets the requirements under par. (b) and applicable
17 rules of the department and submits to the department an application for initial
18 certification or certification renewal, the department shall certify that the entity
19 meets the requirements for a care management organization. ~~An application shall~~
20 ~~include comments about the applicant and recommendations about the application~~
21 ~~that are provided by the appropriate local long-term care council, as specified under~~
22 ~~s. 46.282 (3) (a) 3.~~

23 **SECTION 999.** 46.284 (5) (a) of the statutes is amended to read:

24 46.284 (5) (a) From the appropriation accounts under s. 20.435 (4) (b), (g), ~~(gp)~~,
25 (im), (o), ~~and (w)~~, and (xd) and (7) (b) and (bd), the department shall provide funding

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1 on a capitated payment basis for the provision of services under this section.
2 Notwithstanding s. 46.036 (3) and (5m), a care management organization that is
3 under contract with the department may expend the funds, consistent with this
4 section, including providing payment, on a capitated basis, to providers of services
5 under the family care benefit.

6 **SECTION 1000.** 46.284 (6) of the statutes is amended to read:

7 46.284 (6) GOVERNING BOARD. A care management organization shall have a
8 governing board that reflects the ethnic and economic diversity of the geographic
9 area served by the care management organization. At least one-fourth of the
10 members of the governing board shall be ~~older persons or persons with physical or~~
11 ~~developmental disabilities or their family members, guardians or other advocates~~
12 ~~who are representative of the~~ client group or groups whom the care management
13 ~~organization's enrollee~~ organization is contracted to serve or those clients' family
14 members, guardians, or other advocates.

15 **SECTION 1001.** 46.285 (1) of the statutes is renumbered 46.285, and 46.285
16 (intro.), (1) and (2), as renumbered, are amended to read:

17 **46.285** (intro.) In order to meet federal requirements and assure federal
18 financial participation in funding of the family care benefit, a county, a tribe or band,
19 a family long-term care district or an organization, including a private, nonprofit
20 corporation, may not directly operate both a resource center and a care management
21 organization, except as follows:

22 (1) For an entity with which the department has contracted under s. 46.281 (1)
23 (e) 1., 2005 stats., provision of the services specified under s. 46.283 (3) (b), (e), (f) and
24 (g) shall be structurally separate from the provision of services of the care
25 management organization by January 1, 2001.

SENATE BILL 40**SECTION 1001**

1 **(2)** The department may approve separation of the functions of a resource
2 center from those of a care management organization by a means other than those
3 ~~specified in sub. (2) creating a long-term care district under s. 46.2895 to serve either~~
4 as a resource center or a care management organization.

5 **SECTION 1002.** 46.285 (2) of the statutes is repealed.

6 **SECTION 1003.** 46.286 (1) (intro.) of the statutes is amended to read:

7 46.286 **(1)** ELIGIBILITY. (intro.) A person is eligible for, but not necessarily
8 entitled to, the family care benefit if the person is at least 18 years of age; has a
9 physical disability, as defined in s. 15.197 (4) (a) 2., or a developmental disability, as
10 defined in s. 51.01 (5) (a), or ~~degenerative brain disorder, as defined in s. 55.01 (1v)~~
11 is a frail elder; and meets all of the following criteria:

12 **SECTION 1004.** 46.286 (1) (a) 1. of the statutes is amended to read:

13 46.286 **(1)** (a) 1. The person's ~~functional capacity~~ level of care need is at either
14 of the following levels:

15 a. The comprehensive nursing home level, if the person has a long-term or
16 irreversible condition, expected to last at least 90 days or result in death within one
17 year of the date of application, and requires ongoing care, assistance or supervision.

18 b. The intermediate non-nursing home level, if the person has a condition that
19 is expected to last at least 90 days or result in death within 12 months after the date
20 of application, and is at risk of losing his or her independence or functional capacity
21 unless he or she receives assistance from others.

22 **SECTION 1005.** 46.286 (1) (b) (intro.) of the statutes is amended to read:

23 46.286 **(1)** (b) *Financial eligibility.* (intro.) A person is financially eligible if
24 all any of the following apply:

25 **SECTION 1006.** 46.286 (1) (b) 1. (intro.) of the statutes is repealed.

SENATE BILL 40**SECTION 1007**

1 **SECTION 1007.** 46.286 (1) (b) 1. a. of the statutes is renumbered 46.286 (1) (b)
2 3. and amended to read:

3 46.286 (1) (b) 3. The person was receiving the family care benefit on the
4 effective date of this subdivision ... [revisor inserts date], the person would qualify
5 for medical assistance except for financial or disability criteria, and the projected cost
6 of the person's care plan, as calculated by the department or its designee, exceeds the
7 person's gross monthly income, plus one-twelfth of his or her countable assets, less
8 deductions and allowances permitted by rule by the department.

9 **SECTION 1008.** 46.286 (1) (b) 1. b. and 2. of the statutes are consolidated,
10 renumbered 46.286 (1) (b) 1m. and amended to read:

11 46.286 (1) (b) 1m. The person is eligible under ch. 49 for medical assistance.
12 ~~2. If subd. 1. b. applies, the person accepts medical assistance~~ and, unless he or she
13 is exempt from the acceptance under rules promulgated by the department, accepts
14 medical assistance.

15 **SECTION 1009.** 46.286 (3) (a) (intro.) of the statutes is amended to read:

16 46.286 (3) (a) (intro.) Subject to ~~pars. par. (c) and (d)~~, a person is entitled to and
17 may receive the family care benefit through enrollment in a care management
18 organization if he or she all of the following apply:

19 1m. The person is at least 18 years of age~~;~~

20 2m. The person has a physical disability, as defined in s. 15.197 (4) (a) 2., a
21 developmental disability, as defined in s. 51.01 (5) (a), or ~~degenerative brain disorder,~~
22 ~~as defined in s. 55.01 (1v),~~ is a frail elder.

23 4m. The person is financially eligible~~,~~ under sub. (1) (b) 1m., and fulfills any
24 applicable cost-sharing requirements ~~and meets any of the following criteria:~~

25 **SECTION 1010.** 46.286 (3) (a) 1. of the statutes is repealed.

SENATE BILL 40**SECTION 1011**

1 **SECTION 1011.** 46.286 (3) (a) 2. of the statutes is repealed.

2 **SECTION 1012.** 46.286 (3) (a) 3. of the statutes is repealed.

3 **SECTION 1013.** 46.286 (3) (a) 3m. of the statutes is created to read:

4 46.286 (3) (a) 3m. The person is functionally eligible under sub. (1) (a).

5 **SECTION 1014.** 46.286 (3) (a) 4. of the statutes is repealed.

6 **SECTION 1015.** 46.286 (3) (a) 6. of the statutes is repealed.

7 **SECTION 1016.** 46.286 (3) (d) of the statutes is repealed.

8 **SECTION 1017.** 46.286 (3m) of the statutes is repealed and recreated to read:

9 46.286 (3m) INFORMATION ABOUT ENROLLEES. The department shall obtain and
10 share information about family care enrollees as provided in s. 49.475.

11 **SECTION 1018.** 46.288 (2) (intro.) of the statutes is amended to read:

12 46.288 (2) (intro.) Criteria and procedures for determining functional
13 eligibility under s. 46.286 (1) (a), financial eligibility under s. 46.286 (1) (b), and cost
14 sharing under s. 46.286 (2) (a) ~~and entitlement under s. 46.286 (3)~~. The rules for
15 determining functional eligibility under s. 46.286 (1) (a) 1. a. shall be substantially
16 similar to eligibility criteria for receipt of the long-term support community options
17 program under s. 46.27. Rules under this subsection shall include definitions of the
18 following terms applicable to s. 46.286:

19 **SECTION 1019.** 46.289 (title) of the statutes is renumbered 46.2803 (title).

20 **SECTION 1020.** 46.289 of the statutes is renumbered 46.2803 (1).

21 **SECTION 1021.** 46.2895 (title) of the statutes is amended to read:

22 **46.2895** (title) **Family Long-term care district.**

23 **SECTION 1022.** 46.2895 (1) (a) (intro.) of the statutes is amended to read:

24 46.2895 (1) CREATION. (a) (intro.) A county ~~board of supervisors, a tribe or band,~~
25 or any combination of counties or tribes or bands, may create a special purpose

SENATE BILL 40**SECTION 1022**

1 district that is termed a “family long-term care district”, that is a local unit of
2 government, that is separate and distinct from, and independent of, the state and the
3 county or tribe or band that created it, and that has the powers and duties specified
4 in this section, if the each county board or tribe or band that participates in creating
5 the district does all of the following:

6 **SECTION 1023.** 46.2895 (1) (a) 1. a. of the statutes is amended to read:

7 46.2895 (1) (a) 1. a. Declares the need for establishing the family long-term
8 care district.

9 **SECTION 1024.** 46.2895 (1) (a) 1. b. of the statutes is amended to read:

10 46.2895 (1) (a) 1. b. Specifies the family long-term care district’s primary
11 purpose, which shall be to operate, under contract with the department, either a
12 resource center under s. 46.283 ~~or~~, a care management organization under s. 46.284,
13 ~~but not both, or a program described under s. 46.2805 (1) (a) or (b).~~

14 **SECTION 1025.** 46.2895 (1) (a) 1. c. of the statutes is created to read:

15 46.2895 (1) (a) 1. c. Specifies the number of individuals who shall be appointed
16 as members of the long-term care district board, the length of their terms, and, if the
17 long-term care district is created by more than one county or tribe or band, how many
18 members shall be appointed by each county or tribe or band.

19 **SECTION 1026.** 46.2895 (1) (b) of the statutes is repealed.

20 **SECTION 1027.** 46.2895 (1) (c) of the statutes is created to read:

21 46.2895 (1) (c) A long-term care district may not operate a care management
22 organization under s. 46.284 or a program described under s. 46.2805 (1) (a) or (b)
23 if the district operates a resource center under s. 46.283.

24 **SECTION 1028.** 46.2895 (1) (d) of the statutes is created to read:

SENATE BILL 40**SECTION 1028**

1 46.2895 (1) (d) A county or tribe or band may create more than one long-term
2 care district.

3 **SECTION 1029.** 46.2895 (1) (e) of the statutes is created to read:

4 46.2895 (1) (e) A long-term care district may change its primary purpose
5 specified under par. (a) 1. b. if all the counties or tribes or bands that created the
6 district and that have not withdrawn or been removed from the district under sub.
7 (14), adopt a resolution approving the change in primary purpose and if the change
8 in purpose does not violate par. (c) or any provision of a contract between the
9 department and the district.

10 **SECTION 1030.** 46.2895 (2) of the statutes is amended to read:

11 46.2895 (2) JURISDICTION. A family long-term care district's jurisdiction is the
12 geographical area of the county or counties ~~of the county board or boards of~~
13 ~~supervisors who~~ that created the family long-term care district and the geographic
14 area of the reservation of, or lands held in trust for, any tribe or band that created
15 the long-term care district.

16 **SECTION 1031.** 46.2895 (3) (title) of the statutes is amended to read:

17 46.2895 (3) (title) FAMILY LONG-TERM CARE DISTRICT BOARD.

18 **SECTION 1032.** 46.2895 (3) (a) 1. of the statutes is renumbered 46.2895 (3) (a)
19 and amended to read:

20 46.2895 (3) (a) The county board of supervisors of a county or, in a county with
21 a county administrator or county executive, the county administrator or county
22 executive shall appoint the ~~members of the family~~ long-term care district board,
23 ~~which is the governing board of a family care district under sub. (1) (a)~~ members
24 whom the county is allotted, by resolutions adopted under sub. (1) (a) 1. c., to appoint.

25 **SECTION 1033.** 46.2895 (3) (a) 2. of the statutes is repealed.

SENATE BILL 40**SECTION 1034**

1 **SECTION 1034.** 46.2895 (3) (b) 1. of the statutes is amended to read:

2 46.2895 (3) (b) 1. ~~The family care district board appointed under par. (a) 1. shall~~
3 ~~consist of 15 persons who are residents of the area of jurisdiction of the family care~~
4 ~~district.~~ At least one-fourth of the members of a long-term care district board shall
5 be representative of the client group or groups whom it is the family long-term care
6 district's primary purpose to serve or those clients' family members, guardians, or
7 other advocates.

8 **SECTION 1035.** 46.2895 (3) (b) 2. of the statutes is repealed.

9 **SECTION 1036.** 46.2895 (3) (b) 3. of the statutes is amended to read:

10 46.2895 (3) (b) 3. Membership of ~~the family~~ a long-term care district board
11 ~~under subd. 1. or 2.~~ shall reflect the ethnic and economic diversity of in the area of
12 jurisdiction of the family long-term care district. ~~Up to one-fourth of the members~~
13 ~~of the board may be elected or appointed officials or employees of the county or~~
14 ~~counties that created the family care district.~~

15 4. No member of the a long-term care district board may have a private
16 financial interest in or profit directly or indirectly from any contract or other
17 business of the family long-term care district.

18 **SECTION 1037.** 46.2895 (3) (b) 5. of the statutes is created to read:

19 46.2895 (3) (b) 5. Only individuals who reside within the jurisdiction of a
20 long-term care district may serve as members of the long-term care district board.

21 **SECTION 1038.** 46.2895 (3) (c) of the statutes is repealed.

22 **SECTION 1039.** 46.2895 (3) (d) of the statutes is amended to read:

23 46.2895 (3) (d) As soon as possible after the appointment of the initial members
24 of the family long-term care district board, the board shall organize for the
25 transaction of business and elect a chairperson and other necessary officers. Each

SENATE BILL 40**SECTION 1039**

1 chairperson shall be elected by the board from time to time for the term of that
2 chairperson's office as a member of the board or for the term of 3 years, whichever
3 is shorter, and shall be eligible for reelection. A majority of the board shall constitute
4 a quorum. The Unless specified otherwise in a bylaw adopted by the board, the board
5 may act based on the affirmative vote of a majority of a quorum.

6 **SECTION 1040.** 46.2895 (4) (intro.) of the statutes is amended to read:

7 46.2895 (4) POWERS. (intro.) Subject to sub. (1) ~~(a) 1. b. (c)~~, a family long-term
8 care district has all the powers necessary or convenient to carry out the purposes and
9 provisions of ss. 46.2805 to 46.2895. In addition to all these powers, a family
10 long-term care district may do all of the following:

11 **SECTION 1041.** 46.2895 (4) (b) of the statutes is amended to read:

12 46.2895 (4) (b) Adopt bylaws and policies and procedures for the regulation of
13 its affairs and the conduct of its business. The bylaws, policies and procedures shall
14 be consistent with ss. 46.2805 to 46.2895 and, if the family long-term care district
15 contracts with the department under par. (d) or (dm), with the terms of that contract.

16 **SECTION 1042.** 46.2895 (4) (dm) of the statutes is created to read:

17 46.2895 (4) (dm) Subject to sub. (1) (c), enter into a contract with the
18 department to operate a program described under s. 46.2805 (1) (a) or (b) and provide
19 services related to the contracted services.

20 **SECTION 1043.** 46.2895 (4) (g) of the statutes is amended to read:

21 46.2895 (4) (g) Subject to sub. (8), employ any agent, employee, or special
22 adviser that the family long-term care district finds necessary, fix and regulate his
23 or her compensation and provide, either directly or subject to an agreement under
24 s. 66.0301 as a participant in a benefit plan of another governmental entity, any
25 employee benefits, including an employee pension plan.

SENATE BILL 40**SECTION 1044**

1 **SECTION 1044.** 46.2895 (4) (h) of the statutes is amended to read:

2 46.2895 (4) (h) Mortgage, pledge or otherwise encumber the family long-term
3 care district's property or funds.

4 **SECTION 1045.** 46.2895 (4) (k) of the statutes is amended to read:

5 46.2895 (4) (k) Create a risk reserve or other special reserve as the family
6 long-term care district board desires or as the department requires under the
7 contract with the department that is specified under par. (d).

8 **SECTION 1046.** 46.2895 (4) (L) of the statutes is amended to read:

9 46.2895 (4) (L) Accept aid, including loans, to accomplish the purpose of the
10 family long-term care district from any local, state or federal governmental agency
11 or accept gifts, loans, grants or bequests from individuals or entities, if the conditions
12 under which the aid, loan, gift, grant or bequest is furnished are not in conflict with
13 this section.

14 **SECTION 1047.** 46.2895 (4) (m) of the statutes is amended to read:

15 46.2895 (4) (m) Make and execute other instruments necessary or convenient
16 to exercise the powers of the family long-term care district.

17 **SECTION 1048.** 46.2895 (5) of the statutes is amended to read:

18 46.2895 (5) LIMITATION ON POWERS. A family long-term care district may not
19 issue bonds or levy a tax or assessment.

20 **SECTION 1049.** 46.2895 (6) (intro.) of the statutes is amended to read:

21 46.2895 (6) DUTIES. (intro.) The family long-term care district board shall do
22 all of the following:

23 **SECTION 1050.** 46.2895 (6) (b) of the statutes is amended to read:

SENATE BILL 40**SECTION 1050**

1 46.2895 (6) (b) Subject to sub. (8), develop and implement a personnel
2 structure and other employment policies for employees of the family long-term
3 care district.

4 **SECTION 1051.** 46.2895 (6) (c) of the statutes is amended to read:

5 46.2895 (6) (c) Assure compliance with the terms of any contract with the
6 department under sub. (4) (d) or (dm).

7 **SECTION 1052.** 46.2895 (6) (d) of the statutes is amended to read:

8 46.2895 (6) (d) Establish a fiscal operating year and annually adopt a budget
9 for the family long-term care district.

10 **SECTION 1053.** 46.2895 (6) (e) of the statutes is amended to read:

11 46.2895 (6) (e) Contract for any legal services required for the family long-term
12 care district.

13 **SECTION 1054.** 46.2895 (7) (a) of the statutes is amended to read:

14 46.2895 (7) (a) Manage the property and business of the family long-term care
15 district and manage the employees of the district, subject to the general control of the
16 family long-term care district board.

17 **SECTION 1055.** 46.2895 (7) (b) of the statutes is amended to read:

18 46.2895 (7) (b) Comply with the bylaws and direct enforcement of all policies
19 and procedures adopted by the family long-term care district board.

20 **SECTION 1056.** 46.2895 (7) (c) of the statutes is amended to read:

21 46.2895 (7) (c) Perform duties in addition to those specified in pars. (a) and (b)
22 as are prescribed by the family long-term care district board.

23 **SECTION 1057.** 46.2895 (8) (a) (intro.) of the statutes is amended to read:

24 46.2895 (8) (a) (intro.) A family long-term care district board that is created
25 at least in part by a county shall do all of the following:

SENATE BILL 40**SECTION 1058**

1 **SECTION 1058.** 46.2895 (8) (a) 1. of the statutes is amended to read:

2 46.2895 **(8)** (a) 1. If the family long-term care district offers employment to any
3 individual who was previously employed by the a county, which participated in
4 creating the district and at the time of the offer had not withdrawn or been removed
5 from the district under sub. (14), and who while employed by the county performed
6 duties relating to the same or a substantially similar function for which the
7 individual is offered employment by the district and whose wages, hours and
8 conditions of employment were established in a collective bargaining agreement
9 with the county under subch. IV of ch. 111 that is in effect on the date that the
10 individual commences employment with the district, with respect to that individual,
11 abide by the terms of the collective bargaining agreement concerning the individual's
12 ~~compensation and benefits~~ wages and, if applicable, vacation allowance, sick leave
13 accumulation, sick leave bank, holiday allowance, funeral leave allowance, personal
14 day allowance, or paid time off allowance until the time of the expiration of that
15 collective bargaining agreement or adoption of a collective bargaining agreement
16 with the district under subch. IV of ch. 111 covering the individual as an employee
17 of the district, whichever occurs first.

18 **SECTION 1059.** 46.2895 (8) (a) 2. of the statutes is repealed.

19 **SECTION 1060.** 46.2895 (8) (a) 3. of the statutes is amended to read:

20 46.2895 **(8)** (a) 3. If the family long-term care district offers employment to any
21 individual who was previously employed by the a county, which participated in
22 creating the district and at the time of the offer had not withdrawn or been removed
23 from the district under sub. (14), and who while employed by the county performed
24 duties relating to the same or a substantially similar function for which the
25 individual is offered employment by the district, with respect to that individual,

SENATE BILL 40**SECTION 1060**

1 recognize all years of service with the county for any benefit provided or program
2 operated by the district for which an employee's years of service may affect the
3 provision of the benefit or the operation of the program.

4 **SECTION 1061.** 46.2895 (8) (a) 4. of the statutes is amended to read:

5 46.2895 (8) (a) 4. If the county has not established its own retirement system
6 for county employees, adopt a resolution that the family long-term care district be
7 included within the provisions of the Wisconsin retirement system under s. 40.21 (1).
8 In this resolution, the family long-term care district shall agree to recognize 100%
9 of the prior creditable service of its employees earned by the employees while
10 employed by the district.

11 **SECTION 1062.** 46.2895 (8) (b) (intro.) of the statutes is amended to read:

12 46.2895 (8) (b) (intro.) The county board of supervisors of ~~the area of~~
13 ~~jurisdiction of the family~~ each county that creates a long-term care district shall do
14 all of the following:

15 **SECTION 1063.** 46.2895 (8) (b) 1. of the statutes is amended to read:

16 46.2895 (8) (b) 1. If the county has established its own retirement system for
17 county employees, provide that family long-term care district employees are eligible
18 to participate in the county retirement system.

19 **SECTION 1064.** 46.2895 (8) (b) 2. of the statutes is repealed.

20 **SECTION 1065.** 46.2895 (8) (b) 2m. of the statutes is created to read:

21 46.2895 (8) (b) 2m. If the long-term care district employs any individual who
22 was previously employed by the county, provide the individual health care coverage
23 that is similar to the health care coverage that the county provided the individual
24 when he or she was employed by the county.

25 **SECTION 1066.** 46.2895 (8) (b) 3. of the statutes is repealed.

SENATE BILL 40**SECTION 1067**

1 **SECTION 1067.** 46.2895 (8) (c) of the statutes is created to read:

2 46.2895 **(8)** (c) A long-term care district and any county that created the
3 district and has not withdrawn from or been removed from the district under sub.
4 (14) may enter into an agreement allocating the costs of providing benefits described
5 under this section between the district and the county.

6 **SECTION 1068.** 46.2895 (9) of the statutes is amended to read:

7 46.2895 **(9)** CONFIDENTIALITY OF RECORDS. No record, as defined in s. 19.32 (2),
8 of a family long-term care district that contains personally identifiable information,
9 as defined in s. 19.62 (5), concerning an individual who receives services from the
10 family long-term care district may be disclosed by the family long-term care district
11 without the individual's informed consent, except as required to comply with s.
12 16.009 (2) (p) or 49.45 (4).

13 **SECTION 1069.** 46.2895 (10) of the statutes is amended to read:

14 46.2895 **(10)** EXCHANGE OF INFORMATION. Notwithstanding sub. (9) and ss.
15 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7),
16 253.07 (3) (c) and 938.78 (2) (a), a family long-term care district acting under this
17 section may exchange confidential information about a client, as defined in s.
18 46.287 (1), without the informed consent of the client, under s. 46.21 (2m) (c),
19 46.215 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.283 (7), 46.284 (7), 51.42 (3) (e) or
20 51.437 (4r) (b) in the jurisdiction of the family long-term care district, if necessary
21 to enable the family long-term care district to perform its duties or to coordinate
22 the delivery of services to the client.

23 **SECTION 1070.** 46.2895 (11) of the statutes is amended to read:

24 46.2895 **(11)** OBLIGATIONS AND DEBTS, AND RESPONSIBILITIES NOT THOSE OF COUNTY.
25 The obligations and debts of the family a long-term care district are not the

SENATE BILL 40**SECTION 1070**

1 obligations or debts of the any county that created the family care district. If a
2 long-term care district is obligated by statute or contract to provide or pay for
3 services or benefits, no county is responsible for providing or paying for those services
4 or benefits.

5 **SECTION 1071.** 46.2895 (12) of the statutes is amended to read:

6 46.2895 (12) ASSISTANCE TO FAMILY LONG-TERM CARE DISTRICT. From moneys in
7 the a county treasury that are not appropriated to some other purpose, the county
8 board of supervisors under sub. (1) (a) or the county boards of supervisors under sub.
9 (1) (b) may appropriate moneys to the family a long-term care district that the county
10 participated in creating as a gift or may lend moneys to the family long-term care
11 district.

12 **SECTION 1072.** 46.2895 (13) (intro.), (a) and (b) of the statutes are consolidated,
13 renumbered 46.2895 (13) and amended to read:

14 46.2895 (13) DISSOLUTION. (intro.) Subject to the performance of the
15 contractual obligations of a family long-term care district and if first approved by the
16 secretary of the department, the family long-term care district may be dissolved by
17 the joint action of the family long-term care district board and each county board of
18 supervisors under sub. (1) (a) or the county boards of supervisors under sub. (1) (b)
19 or tribe or band that created the family long-term care district and has not
20 withdrawn or been removed from the district under sub. (14). If the family a
21 long-term care district that is created by one county or tribe or band is dissolved, the
22 property of the district shall be transferred to the county board of supervisors or tribe
23 or band that created the family care district except as follows: it. (a) If the family a
24 long-term care district was is created under sub. (1) (b), by more than one county or
25 tribe or band, all of the county boards of supervisors counties or tribes or bands that

SENATE BILL 40**SECTION 1072**

1 created the district and that have not withdrawn or been removed from the district
2 under sub. (14) shall agree on the apportioning of the family long-term care district's
3 property before the district may be dissolved. (b) If the family long-term care district
4 operates a care management organization under s. 46.284, disposition of any
5 remaining funds in the risk reserve under s. 46.284 (5) (e) shall be made under the
6 terms of the district's contract with the department.

7 **SECTION 1073.** 46.2895 (14) of the statutes is created to read:

8 46.2895 (14) WITHDRAWAL OR REMOVAL OF A COUNTY OR TRIBE OR BAND. Subject
9 to approval from the department, a long-term care district may establish conditions
10 for a county or tribe or band that participated with one or more counties or tribes or
11 bands in creating the district to withdraw from the district or for the district to
12 remove the county or tribe or band from the district.

13 **SECTION 1074.** 46.29 (1) (c) of the statutes is repealed.

14 **SECTION 1075.** 46.29 (1) (fm) of the statutes is repealed.

15 **SECTION 1076.** 46.30 (title) of the statutes is renumbered 49.265 (title).

16 **SECTION 1077.** 46.30 (1) of the statutes is renumbered 49.265 (1).

17 **SECTION 1078.** 46.30 (2) of the statutes is renumbered 49.265 (2).

18 **SECTION 1079.** 46.30 (3) (title) of the statutes is renumbered 49.265 (3) (title).

19 **SECTION 1080.** 46.30 (3) (a) (intro.) of the statutes is renumbered 49.265 (3) (a)
20 (intro.).

21 **SECTION 1081.** 46.30 (3) (a) 1. of the statutes is renumbered 49.265 (3) (a) 1.

22 **SECTION 1082.** 46.30 (3) (a) 2. of the statutes is renumbered 49.265 (3) (a) 2.

23 **SECTION 1083.** 46.30 (3) (a) 3. of the statutes is renumbered 49.265 (3) (a) 3.

24 **SECTION 1084.** 46.30 (3) (a) 4. of the statutes is renumbered 49.265 (3) (a) 4.

25 **SECTION 1085.** 46.30 (3) (a) 5. of the statutes is renumbered 49.265 (3) (a) 5.

SENATE BILL 40**SECTION 1086**

1 **SECTION 1086.** 46.30 (3) (a) 6. of the statutes is renumbered 49.265 (3) (a) 6.

2 **SECTION 1087.** 46.30 (3) (a) 7. of the statutes is renumbered 49.265 (3) (a) 7.

3 **SECTION 1088.** 46.30 (3) (a) 8. of the statutes is renumbered 49.265 (3) (a) 8. and
4 amended to read:

5 49.265 **(3)** (a) 8. Appoint a representative or representatives to the citizen
6 advisory committee under s. ~~46.031~~ 49.325 (3) (a), in order to participate in
7 developing and implementing programs designed to serve the poor.

8 **SECTION 1089.** 46.30 (3) (b) of the statutes is renumbered 49.265 (3) (b).

9 **SECTION 1090.** 46.30 (4) (title) of the statutes is renumbered 49.265 (4) (title).

10 **SECTION 1091.** 46.30 (4) (a) of the statutes is renumbered 49.265 (4) (a) and
11 amended to read:

12 49.265 **(4)** (a) The department shall distribute the federal community services
13 block grant funds received under 42 USC 9903 and deposited in the appropriations
14 under s. ~~20.435 (3)~~ 20.437 (1) (mc) and (md).

15 **SECTION 1092.** 46.30 (4) (b) of the statutes is renumbered 49.265 (4) (b).

16 **SECTION 1093.** 46.30 (4) (c) of the statutes is renumbered 49.265 (4) (c).

17 **SECTION 1094.** 46.30 (4) (d) of the statutes is renumbered 49.265 (4) (d).

18 **SECTION 1095.** 46.30 (5) of the statutes is renumbered 49.265 (5).

19 **SECTION 1096.** 46.40 (1) (a) of the statutes is amended to read:

20 46.40 **(1)** (a) Within the limits of available federal funds and of the
21 appropriations under s. 20.435 (7) (b) and (o), the department shall distribute funds
22 for community social, mental health, developmental disabilities, and alcohol and
23 other drug abuse services and for services under ss. ~~46.51~~, 46.87, 46.985, and 51.421
24 to county departments under ss. 46.215, 46.22, 46.23, 51.42, and 51.437 and to
25 county aging units, as provided in subs. (2), (2m), and (7) to (9).

SENATE BILL 40**SECTION 1097**

1 **SECTION 1097.** 46.40 (1) (b) of the statutes is renumbered 48.563 (1) (b) and
2 amended to read:

3 48.563 (1) (b) Notwithstanding s. ~~46.49~~ 48.568, if the department receives any
4 federal moneys under 42 USC 670 to 679a in reimbursement of moneys allocated
5 under par. (a) for the provision of foster care, the department shall distribute those
6 federal moneys for services and projects to assist children and families and for the
7 purposes specified in s. ~~46.46~~ 48.567.

8 **SECTION 1098.** 46.40 (1) (c) of the statutes is renumbered 48.563 (1) (c) and
9 amended to read:

10 48.563 (1) (c) The Milwaukee County department of social services shall report
11 to the department in a manner specified by the department on all children under the
12 supervision of the Milwaukee County department of social services who are placed
13 in foster homes and whose foster parents receive funding for child care from the
14 amounts distributed under par. (a) so that the department may claim federal foster
15 care and adoption assistance reimbursement under 42 USC 670 to 679a for the
16 amounts expended by the Milwaukee County department of social services for the
17 provision of child care for those children. Notwithstanding s. ~~46.49~~ 48.568, if the
18 department receives any federal moneys under 42 USC 670 to 679a in
19 reimbursement of the amounts expended by the Milwaukee County department of
20 social services for the provision of child care for children in foster care in 1996 and
21 1997, the department shall distribute those federal moneys to the Milwaukee County
22 department of social services for the provision of child care for children in foster care.

23 **SECTION 1099.** 46.40 (1) (d) of the statutes is amended to read:

24 46.40 (1) (d) If the department of health and family services receives any
25 federal moneys under 42 USC 1396 to 1396v in reimbursement of the cost of

SENATE BILL 40**SECTION 1099**

1 preventing out-of-home placements of children, the department of health and
2 family services shall transfer those moneys to the department of children and
3 families, and the department of children and families shall use those moneys as the
4 first source of moneys used to meet the amount of the allocation under ~~sub. s. 48.563~~
5 (2) that is budgeted from federal funds.

6 **SECTION 1100.** 46.40 (2) of the statutes is amended to read:

7 46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under
8 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not
9 more than ~~\$242,078,700~~ \$242,421,500 in each fiscal year.

10 **SECTION 1101.** 46.40 (2) of the statutes, as affected by 2007 Wisconsin Act ...
11 (this act), is amended to read:

12 46.40 (2) BASIC COUNTY ALLOCATION. Subject to sub. (9), for social services under
13 s. 46.495 (1) (d) and services under s. 51.423 (2), the department shall distribute not
14 more than ~~\$242,421,500~~ \$176,255,400 in each fiscal year.

15 **SECTION 1102.** 46.40 (3) of the statutes is renumbered 48.563 (3) and amended
16 to read:

17 48.563 (3) TRIBAL CHILD CARE. For child care services under 42 USC 9858, the
18 department shall distribute not more than \$412,800 in each fiscal year from the
19 appropriation account under s. ~~20.435 (7)~~ 20.437 (1) (b) to federally recognized
20 American Indian tribes or bands. A tribe or band that receives funding under this
21 subsection shall use that funding to provide child care for an eligible child, as defined
22 in 42 USC 9858n (4).

23 **SECTION 1103.** 46.40 (7m) of the statutes is renumbered 48.563 (7m) and
24 amended to read:

SENATE BILL 40**SECTION 1103**

1 **48.563 (7m)** USE BY COUNTY OF ~~COMMUNITY~~ CHILDREN AND FAMILY AIDS FUNDS TO
2 PAY PRIVATE ATTORNEYS FOR CERTAIN PROCEEDINGS ~~UNDER THE CHILDREN'S CODE~~. Upon
3 application by a county department under s. 46.215, 46.22~~1~~, or 46.23 to the
4 department for permission to use funds allocated to that county department under
5 sub. (2) to employ private counsel for the purposes specified in this subsection and
6 a determination by the department that use of funds for those purposes does not
7 affect any federal grants or federal funding allocated under this section, the
8 department and the county department shall execute a contract authorizing the
9 county department to expend, as agreed upon in the contract, funds allocated to that
10 county department under sub. (2) to permit the county department to employ private
11 counsel to represent the interests of the state or county in proceedings under ~~ch. 48~~
12 this chapter relating to child abuse or neglect cases, unborn child abuse cases,
13 ~~proceedings to terminate, termination of~~ parental rights~~1~~, and any ~~ch. 48 cases or~~
14 ~~proceedings involving~~ the Indian child welfare act Child Welfare Act, 25 USC 1901
15 to 1963.

16 **SECTION 1104.** 46.40 (9) (a) (intro.) of the statutes is amended to read:

17 **46.40 (9)** (a) *Transfer to family care program and adult protective services*
18 *allocation.* (intro.) If a care management organization under s. 46.284 is available
19 in a county, the department may dispose of ~~not more than 21.3%~~ a portion of the
20 amount allocated under sub. (2) that is specified in an agreement with the county to
21 that county as follows; and, of the amount allocated under sub. (8), may dispose of
22 the lesser of up to 60% or the amount remaining after subtracting an amount
23 necessary to maintain funding for recipients under sub. (8) who, on September 1,
24 2001, are ineligible for the family care benefit under s. 46.286, to that county, as
25 follows:

SENATE BILL 40**SECTION 1105**

1 **SECTION 1105.** 46.40 (14m) of the statutes is repealed.

2 **SECTION 1106.** 46.45 (2) (a) of the statutes is renumbered 48.565 (2) (a) and
3 amended to read:

4 48.565 (2) (a) Subject to par. (am), if on December 31 of any year there remains
5 unspent or unencumbered in the allocation under s. ~~46.40~~ 48.563 (2) an amount that
6 exceeds the amount received under 42 USC 670 to 679a and allocated under s. ~~46.40~~
7 48.563 (2) in that year, the department shall carry forward the excess moneys and
8 distribute not less than 50% of the excess moneys to counties having a population of
9 less than 500,000 that are making a good faith effort, as determined by the
10 department, to comply with s. 46.22 (1) (c) 8. f. for services and projects to assist
11 children and families, notwithstanding the percentage limit specified in sub. (3) (a).
12 A county shall use not less than 50% of the moneys distributed to the county under
13 this subsection for services for children who are at risk of abuse or neglect to prevent
14 the need for child abuse and neglect intervention services, except that in the calendar
15 year in which a county achieves compliance with s. 46.22 (1) (c) 8. f. and in the 2
16 calendar years after that calendar year the county may use 100% of the moneys
17 distributed under this paragraph to reimburse the department for the costs of
18 achieving that compliance. If a county does not comply with s. 46.22 (1) (c) 8. f. before
19 July 1, 2005, the department may recover any amounts distributed to that county
20 under this paragraph after June 30, 2001, by billing the county or deducting from
21 that county's allocation under s. ~~46.40~~ 48.563 (2). All moneys received by the
22 department under this paragraph shall be credited to the appropriation account
23 under s. ~~20.435~~ (3) 20.437 (1) (j).

24 **SECTION 1107.** 46.45 (2) (am) of the statutes is renumbered 48.565 (2) (am) and
25 amended to read:

SENATE BILL 40**SECTION 1107**

1 48.565 (2) (am) If on December 31 of any year a county is not using the
2 centralized unit contracted for under s. ~~46.03~~ 48.47 (7) (h) for determining whether
3 the cost of providing care for a child is eligible for reimbursement under 42 USC 670
4 to 679a, the department shall reduce that county's distribution under par. (a) by 50%.

5 **SECTION 1108.** 46.45 (2) (b) of the statutes is renumbered 48.565 (2) (b).

6 **SECTION 1109.** 46.45 (2) (c) of the statutes is renumbered 48.565 (2) (c) and
7 amended to read:

8 48.565 (2) (c) The department shall credit to the appropriation account under
9 s. ~~20.435 (8) (mb)~~ 20.437 (3) (mp) any moneys carried forward under par. (a), but not
10 distributed to counties, and may expend those moneys as provided in s. ~~46.46~~ 48.567.

11 **SECTION 1110.** 46.45 (3) (a) of the statutes is amended to read:

12 46.45 (3) (a) Except as provided in par. (b), at the request of a county, tribal
13 governing body, or private nonprofit organization, the department shall carry
14 forward up to 3% of the total amount allocated to the county, tribal governing body,
15 or nonprofit organization for a calendar year, not including the amount allocated to
16 the county under s. 46.40 (7), which amount may be carried forward as provided in
17 par. (c). All funds carried forward for a tribal governing body or nonprofit
18 organization, ~~all federal child welfare funds under 42 USC 620 to 626~~, and all funds
19 allocated under s. 46.40 (2m) carried forward for a county shall be used for the
20 purpose for which the funds were originally allocated. Other funds carried forward
21 under this paragraph may be used for any purpose under s. 20.435 (7) (b), except that
22 a county may not use any funds carried forward under this paragraph for
23 administrative or staff costs. An allocation of carried-forward funding under this
24 paragraph does not affect a county's base allocations under s. 46.40 (2), (2m), (8), and
25 (9).

SENATE BILL 40**SECTION 1111**

1 **SECTION 1111.** 46.46 (1) of the statutes is amended to read:

2 46.46 (1) From the appropriation account under s. 20.435 (8) (mb), the
3 department shall support costs that are exclusively related to the ongoing and
4 recurring operational costs of augmenting the amount of moneys received under ~~42~~
5 ~~USC 670 to 679a~~, 42 USC 1395 to 1395ddd, and 42 USC 1396 to 1396v and to any
6 other purpose provided for by the legislature by law or in budget determinations and
7 shall distribute moneys to counties as provided in sub. (1g). In addition, the
8 department may expend moneys from the appropriation account under s. 20.435 (8)
9 (mb) as provided in ~~subs. (1m) and~~ sub. (2).

10 **SECTION 1112.** 46.46 (1m) of the statutes is renumbered 48.567 (1m) and
11 amended to read:

12 48.567 (1m) In addition to expending moneys from the appropriation account
13 under s. ~~20.435 (8) (mb)~~ 20.437 (3) (mp) for the augmentation activities specified in
14 sub. (1), the department may expend moneys received under 42 USC 1396 to 1396v
15 in reimbursement of the cost of providing targeted case management services to
16 children whose care is not eligible for reimbursement under 42 USC 670 to 679a and
17 credited to the appropriation account under s. ~~20.435 (8) (mb)~~ 20.437 (3) (mp) to
18 support the counties' share of implementing the statewide automated child welfare
19 information system under s. 46.22 (1) (c) 8. f. and to provide services to children and
20 families under s. 48.48 (17).

21 **SECTION 1113.** 46.46 (2) of the statutes is amended to read:

22 46.46 (2) If the department proposes to use any moneys from the appropriation
23 account under s. 20.435 (8) (mb) for any purpose other than the purposes specified
24 in ~~subs. (1), (1g), and (1m)~~ and (1g), the department shall submit a plan for the
25 proposed use of those moneys to the secretary of administration by September 1 of

SENATE BILL 40**SECTION 1113**

1 the fiscal year after the fiscal year in which those moneys were received. If the
2 secretary of administration approves the plan, he or she shall submit the plan to the
3 joint committee on finance by October 1 of the fiscal year after the fiscal year in which
4 those moneys were received. If the cochairpersons of the committee do not notify the
5 secretary of administration within 14 working days after the date of submittal of the
6 plan that the committee has scheduled a meeting for the purpose of reviewing the
7 plan, the department may implement the plan. If within 14 working days after the
8 date of the submittal by the secretary of administration the cochairpersons of the
9 committee notify him or her that the committee has scheduled a meeting for the
10 purpose of reviewing the plan, the department may implement the plan only with the
11 approval of the committee.

12 **SECTION 1114.** 46.48 (9) of the statutes is created to read:

13 46.48 (9) QUALITY HOME CARE PROGRAM. The department shall distribute at least
14 \$167,000 in each fiscal year as a grant to an organization to provide services to
15 consumers and providers of supportive home care and personal care.

16 **SECTION 1115.** 46.48 (11m) (b) of the statutes is amended to read:

17 46.48 (11m) (b) The department shall award not more than \$83,800 in fiscal
18 year 2005–06 and not more than \$106,400 in fiscal year 2006–07 annually as a grant
19 to an organization or a group of organizations to provide services for female prisoners
20 and offenders from Milwaukee County and their children, if the prisoners or
21 offenders have been convicted of nonviolent crimes.

22 **SECTION 1116.** 46.48 (16) of the statutes is created to read:

23 46.48 (16) CHILDREN'S LONG-TERM MANAGED CARE. The department shall award
24 not more than \$250,000 in fiscal year 2007–08 and not more than \$250,000 in fiscal
25 year 2008–09 as a grant to an organization or a group of organizations for technical

SENATE BILL 40**SECTION 1116**

1 assistance and planning services in support of family-centered managed care for
2 children with long-term support needs.

3 **SECTION 1117.** 46.481 (intro.) of the statutes is renumbered 48.481 (intro.) and
4 amended to read:

5 **48.481 Grants for children’s community programs.** (intro.) From the
6 appropriation under s. ~~20.435 (3)~~ 20.437 (1) (bc), the department shall distribute the
7 following grants for children’s community programs:

8 **SECTION 1118.** 46.481 (1) (title) of the statutes is renumbered 48.481 (1) (title).

9 **SECTION 1119.** 46.481 (1) (a) of the statutes is renumbered 48.481 (1) (a) and
10 amended to read:

11 48.481 (1) (a) The department shall distribute \$497,200 in each fiscal year to
12 counties for the purpose of supplementing payments for the care of an individual who
13 attains age 18 after 1986 and who resided in a foster home, ~~as defined in s. 48.02 (6),~~
14 ~~or a treatment foster home, as defined in s. 48.02 (17q),~~ for at least 2 years
15 immediately prior to attaining age 18 and, for at least 2 years, received exceptional
16 foster care or treatment foster care payments in order to avoid institutionalization,
17 as provided under rules promulgated by the department, so that the individual may
18 live in a family home or other noninstitutional situation after attaining age 18. No
19 county may use funds provided under this paragraph to replace funds previously
20 used by the county for this purpose.

21 **SECTION 1120.** 46.481 (1) (b) of the statutes is renumbered 48.481 (1) (b).

22 **SECTION 1121.** 46.481 (3) of the statutes is renumbered 48.481 (3).

23 **SECTION 1122.** 46.485 (2g) (intro.) of the statutes is amended to read:

24 46.485 (2g) (intro.) From the appropriation accounts account under s. 20.435
25 (4) (b) ~~and (gp)~~, the department may in each fiscal year transfer funds to the

SENATE BILL 40**SECTION 1122**

1 appropriation under s. 20.435 (7) (kb) for distribution under this section and from the
2 appropriation account under s. 20.435 (7) (mb) the department may not distribute
3 more than \$1,330,500 in each fiscal year to applying counties in this state that meet
4 all of the following requirements, as determined by the department:

5 **SECTION 1123.** 46.485 (3g) of the statutes is amended to read:

6 46.485 (3g) The amount that the department may transfer under sub. (2g) for
7 counties may not exceed the estimated state share of payments under s. 49.45, 49.46
8 ~~or~~, 49.47, or 49.471 for mental health care and treatment that is provided in inpatient
9 facilities for children with severe emotional disturbances.

10 **SECTION 1124.** 46.49 (title) of the statutes is amended to read:

11 **46.49 (title) Allocation of federal funds for community aids and child**
12 **welfare.**

13 **SECTION 1125.** 46.49 (1) of the statutes is amended to read:

14 46.49 (1) ~~Subject to s. 46.40 (1) (b) and (c), if~~ If the department receives
15 unanticipated federal community mental health services block grant funds under 42
16 USC 300x to 300x-9, or federal prevention and treatment of substance abuse block
17 grant funds under 42 USC 300x-21 to 300x-35, ~~or foster care and adoption~~
18 ~~assistance payments under 42 USC 670 to 679a and it~~ if the department proposes to
19 allocate the unanticipated funds so that an allocation limit in s. 46.40 is exceeded,
20 the department shall submit a plan for the proposed allocation to the secretary of
21 administration. If the secretary of administration approves the plan, he or she shall
22 submit it to the joint committee on finance. If the cochairpersons of the committee
23 do not notify the secretary of administration that the committee has scheduled a
24 meeting for the purpose of reviewing the plan within 14 working days after the date
25 of his or her submittal, the department may implement the plan, notwithstanding

SENATE BILL 40**SECTION 1125**

1 any allocation limits under s. 46.40. If within 14 working days after the date of the
2 submittal by the secretary of administration the cochairpersons of the committee
3 notify him or her that the committee has scheduled a meeting for the purpose of
4 reviewing the plan, the department may implement the plan, notwithstanding s.
5 46.40, only with the approval of the committee.

6 **SECTION 1126.** 46.495 (1) (d) of the statutes is amended to read:

7 46.495 (1) (d) From the appropriations under s. 20.435 (7) (b) and (o), the
8 department shall distribute the funding for social services, ~~including funding for~~
9 ~~foster care, treatment foster care, or subsidized guardianship care of a child on whose~~
10 ~~behalf aid is received under s. 46.261,~~ to county departments under ss. 46.215, 46.22,
11 and 46.23 as provided under s. 46.40. County matching funds are required for the
12 distributions under s. 46.40 (2), (8), and (9) (b). Each county's required match for the
13 distribution under s. 46.40 (2) shall be specified in a schedule established annually
14 by the department of ~~health and family services~~. Each county's required match for
15 the distribution under s. 46.40 (8) for a year equals 9.89% of the total of the county's
16 distributions under s. 46.40 (8) for that year for which matching funds are required
17 plus the amount the county was required by s. 46.26 (2) (c), 1985 stats., to spend for
18 juvenile delinquency-related services from its distribution for 1987. Each county's
19 required match for the distribution under s. 46.40 (9) (b) for a year equals 9.89% of
20 that county's amounts described in s. 46.40 (9) (a) (intro.) for that year. Matching
21 funds may be from county tax levies, federal and state revenue sharing funds, or
22 private donations to the county that meet the requirements specified in s. 51.423 (5).
23 Private donations may not exceed 25% of the total county match. If the county match
24 is less than the amount required to generate the full amount of state and federal
25 funds distributed for this period, the decrease in the amount of state and federal

SENATE BILL 40**SECTION 1126**

1 funds equals the difference between the required and the actual amount of county
2 matching funds.

3 **SECTION 1127.** 46.51 (title) of the statutes is renumbered 48.986 (title).

4 **SECTION 1128.** 46.51 (1) of the statutes is renumbered 48.986 (1) and amended
5 to read:

6 48.986 (1) From the amounts distributed under s. ~~46.40~~ 48.563 (1) for services
7 for children and families, the department shall distribute funds to eligible counties
8 for services related to child abuse and neglect and to unborn child abuse, including
9 child abuse and neglect and unborn child abuse prevention, investigation, and
10 treatment.

11 **SECTION 1129.** 46.51 (3) of the statutes is renumbered 48.986 (3).

12 **SECTION 1130.** 46.51 (4) of the statutes is renumbered 48.986 (4).

13 **SECTION 1131.** 46.51 (5) of the statutes is renumbered 48.986 (5).

14 **SECTION 1132.** 46.513 of the statutes is repealed.

15 **SECTION 1133.** 46.515 (title) of the statutes is renumbered 48.983 (title).

16 **SECTION 1134.** 46.515 (1) (intro.) of the statutes is renumbered 48.983 (1)
17 (intro.).

18 **SECTION 1135.** 46.515 (1) (a) of the statutes is repealed.

19 **SECTION 1136.** 46.515 (1) (b) (intro.) of the statutes is renumbered 48.983 (1)
20 (b) (intro.).

21 **SECTION 1137.** 46.515 (1) (b) 1. (intro.) of the statutes is renumbered 48.983 (1)
22 (b) 1. (intro.).

23 **SECTION 1138.** 46.515 (1) (b) 1. a. of the statutes is renumbered 48.983 (1) (b)
24 1. a.

SENATE BILL 40**SECTION 1139**

1 **SECTION 1139.** 46.515 (1) (b) 1. b. of the statutes is renumbered 48.983 (1) (b)

2 1. b.

3 **SECTION 1140.** 46.515 (1) (b) 1. c. of the statutes is renumbered 48.983 (1) (b)

4 1. c. and amended to read:

5 48.983 (1) (b) 1. c. A family that includes a person who has contacted a county
6 department, ~~as defined in s. 48.02 (2g),~~ or an Indian tribe that has been awarded a
7 grant under this section or, in a county having a population of 500,000 or more that
8 has been awarded a grant under this section, the department or a licensed child
9 welfare agency under contract with the department requesting assistance to prevent
10 abuse or neglect of a child in the person's family and with respect to which an
11 individual responding to the request has determined that all of the conditions in
12 subd. 2. exist.

13 **SECTION 1141.** 46.515 (1) (b) 2. of the statutes is renumbered 48.983 (1) (b) 2.

14 **SECTION 1142.** 46.515 (1) (c) of the statutes is repealed.

15 **SECTION 1143.** 46.515 (1) (cm) of the statutes is renumbered 48.983 (1) (cm).

16 **SECTION 1144.** 46.515 (1) (d) of the statutes is renumbered 48.983 (1) (d).

17 **SECTION 1145.** 46.515 (1) (e) of the statutes is renumbered 48.983 (1) (e).

18 **SECTION 1146.** 46.515 (1) (f) of the statutes is renumbered 48.983 (1) (f).

19 **SECTION 1147.** 46.515 (1) (g) of the statutes is renumbered 48.983 (1) (g).

20 **SECTION 1148.** 46.515 (1) (h) of the statutes is renumbered 48.983 (1) (h).

21 **SECTION 1149.** 46.515 (1) (i) of the statutes is renumbered 48.983 (1) (i).

22 **SECTION 1150.** 46.515 (1) (j) of the statutes is renumbered 48.983 (1) (j).

23 **SECTION 1151.** 46.515 (2) of the statutes is renumbered 48.983 (2) and amended
24 to read:

SENATE BILL 40**SECTION 1151**

1 **48.983 (2)** FUNDS PROVIDED. If a county or Indian tribe applies and is selected
2 by the department under sub. (5) to participate in the program under this section,
3 the department shall award, from the appropriation under s. ~~20.435 (5)~~ 20.437 (2)
4 (ab), a grant annually to be used only for the purposes specified in sub. (4) (a) and
5 (am). The minimum amount of a grant is \$10,000. The department shall determine
6 the amount of a grant awarded to a county, other than a county with a population of
7 500,000 or more, or Indian tribe in excess of the minimum amount based on the
8 number of births that are funded by medical assistance under subch. IV of ch. 49 in
9 that county or the reservation of that Indian tribe in proportion to the number of
10 births that are funded by medical assistance under subch. IV of ch. 49 in all of the
11 counties and the reservations of all of the Indian tribes to which grants are awarded
12 under this section. The department shall determine the amount of a grant awarded
13 to a county with a population of 500,000 or more in excess of the minimum amount
14 based on 60% of the number of births that are funded by medical assistance under
15 subch. IV of ch. 49 in that county in proportion to the number of births that are
16 funded by medical assistance under subch. IV of ch. 49 in all of the counties and the
17 reservations of all of the Indian tribes to which grants are awarded under this
18 section.

19 **SECTION 1152.** 46.515 (3) of the statutes is renumbered 48.983 (3).

20 **SECTION 1153.** 46.515 (4) of the statutes is renumbered 48.983 (4).

21 **SECTION 1154.** 46.515 (5) of the statutes is renumbered 48.983 (5) and amended
22 to read:

23 **48.983 (5)** SELECTION OF COUNTIES AND INDIAN TRIBES. The department shall
24 provide competitive application procedures for selecting counties and Indian tribes
25 for participation in the program under this section. The department shall establish

SENATE BILL 40**SECTION 1154**

1 a method for ranking applicants for selection based on the quality of their
2 applications. In ranking the applications submitted by counties, the department
3 shall give favorable consideration to a county that has indicated under sub. (6) (d)
4 2. that it is willing to use a portion of any moneys distributed to the county under s.
5 ~~46.45~~ 48.565 (2) (a) to provide case management services to a medical assistance
6 beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member of a family
7 that is a case and that has explained under sub. (6) (d) 2. how the county plans to use
8 that portion of those moneys to promote the provision of those services for the case
9 by using a wraparound process so as to provide those services in a flexible,
10 comprehensive and individualized manner in order to reduce the necessity for
11 court-ordered services. The department shall also provide application requirements
12 and procedures for the renewal of a grant awarded under this section. The
13 application procedures and the renewal application requirements and procedures
14 shall be clear and understandable to the applicants. The department need not
15 promulgate as rules under ch. 227 the application procedures, the renewal
16 application requirements or procedures or the method for ranking applicants
17 established under this subsection.

18 **SECTION 1155.** 46.515 (6) (intro.) of the statutes is renumbered 48.983 (6)
19 (intro.).

20 **SECTION 1156.** 46.515 (6) (a) of the statutes is renumbered 48.983 (6) (a).

21 **SECTION 1157.** 46.515 (6) (b) of the statutes is renumbered 48.983 (6) (b).

22 **SECTION 1158.** 46.515 (6) (c) of the statutes is renumbered 48.983 (6) (c).

23 **SECTION 1159.** 46.515 (6) (d) (title) of the statutes is renumbered 48.983 (6) (d)
24 (title).

25 **SECTION 1160.** 46.515 (6) (d) 1. of the statutes is renumbered 48.983 (6) (d) 1.

SENATE BILL 40**SECTION 1161**

1 **SECTION 1161.** 46.515 (6) (d) 2. of the statutes is renumbered 48.983 (6) (d) 2.
2 and amended to read:

3 48.983 **(6)** (d) 2. The applicant indicates in the grant application whether the
4 applicant is willing to use a portion of any moneys distributed to the applicant under
5 s. ~~46.45~~ 48.565 (2) (a) to provide case management services to a medical assistance
6 beneficiary under s. 49.45 (25) (am) 9. who is a case or who is a member of a family
7 that is a case. If the applicant is so willing, the applicant shall explain how the
8 applicant plans to use that portion of those moneys to promote the provision of those
9 services for the case by using a wraparound process so as to provide those services
10 in a flexible, comprehensive and individualized manner in order to reduce the
11 necessity for court-ordered services.

12 **SECTION 1162.** 46.515 (6) (e) of the statutes is renumbered 48.983 (6) (e).

13 **SECTION 1163.** 46.515 (6g) of the statutes is renumbered 48.983 (6g).

14 **SECTION 1164.** 46.515 (6m) of the statutes is renumbered 48.983 (6m) and
15 amended to read:

16 **48.983 (6m) NOTIFICATION OF PARENT PRIOR TO MAKING ABUSE OR NEGLECT REPORT.**
17 If a person who is providing services under a home visitation program under sub. (4)
18 (b) 1. determines that he or she is required or permitted to make a report under s.
19 48.981 (2) about a child in a family to which the person is providing those services,
20 the person shall, prior to making the report under s. 48.981 (2), make a reasonable
21 effort to notify the child's parent that a report under s. 48.981 (2) will be made and
22 to encourage the parent to contact a county department ~~under s. 46.22 or 46.23~~ to
23 request assistance. The notification requirements under this subsection do not affect
24 the reporting requirements under s. 48.981 (2).

25 **SECTION 1165.** 46.515 (6r) of the statutes is renumbered 48.983 (6r).

SENATE BILL 40**SECTION 1166**

1 **SECTION 1166.** 46.515 (7) of the statutes is renumbered 48.983 (7).

2 **SECTION 1167.** 46.515 (8) of the statutes is renumbered 48.983 (8).

3 **SECTION 1168.** 46.75 (title) of the statutes is renumbered 49.171 (title).

4 **SECTION 1169.** 46.75 (1) of the statutes is renumbered 49.171 (1).

5 **SECTION 1170.** 46.75 (2) (title) of the statutes is renumbered 49.171 (2) (title).

6 **SECTION 1171.** 46.75 (2) (a) of the statutes is renumbered 49.171 (2) (a) and
7 amended to read:

8 49.171 (2) (a) From the appropriation under s. ~~20.435 (5)~~ 20.437 (2) (dn), the
9 department shall award grants to agencies to operate food distribution programs
10 that qualify for participation in the emergency food assistance program under P.L.
11 98–8, as amended.

12 **SECTION 1172.** 46.75 (2) (b) of the statutes is renumbered 49.171 (2) (b).

13 **SECTION 1173.** 46.75 (3) of the statutes is renumbered 49.171 (3).

14 **SECTION 1174.** 46.76 (intro.) of the statutes is renumbered 49.172 (intro.).

15 **SECTION 1175.** 46.76 (1) of the statutes is renumbered 49.172 (1).

16 **SECTION 1176.** 46.76 (2) of the statutes is renumbered 49.172 (2).

17 **SECTION 1177.** 46.76 (4) of the statutes is repealed.

18 **SECTION 1178.** 46.76 (5) of the statutes is repealed.

19 **SECTION 1179.** 46.766 of the statutes is repealed.

20 **SECTION 1180.** 46.77 of the statutes is renumbered 49.1715 and amended to
21 read:

22 **49.1715 Food distribution administration.** From the appropriation under
23 s. ~~20.435 (5)~~ 20.437 (2) (dn), the department shall allocate funds to eligible recipient
24 agencies, as defined in the emergency food assistance act, P.L. 98–8, section 201A,

SENATE BILL 40**SECTION 1180**

1 as amended, for the storage, transportation, and distribution of commodities
2 provided under the hunger prevention act of 1988, P.L. 100–435, as amended.

3 **SECTION 1181.** 46.95 (title) of the statutes is renumbered 49.165 (title).

4 **SECTION 1182.** 46.95 (1) of the statutes is renumbered 49.165 (1).

5 **SECTION 1183.** 46.95 (2) (title) of the statutes is renumbered 49.165 (2) (title).

6 **SECTION 1184.** 46.95 (2) (a) of the statutes is amended to read:

7 46.95 (2) (a) The secretary shall make grants from the ~~appropriations~~ accounts
8 under s. 20.435 (3) (cd) and (hh) and in each fiscal year \$950,000 from the
9 appropriation account under s. 20.435 (3) (ky) to organizations for the provision of
10 any of the services specified in sub. (1) (d). Grants may be made to organizations
11 which have provided those domestic abuse services in the past or to organizations
12 which propose to provide those services in the future. No grant may be made to fund
13 services for child or unborn child abuse or abuse of elderly persons.

14 **SECTION 1185.** 46.95 (2) (a) of the statutes, as affected by 2007 Wisconsin Act
15 (this act), is renumbered 49.165 (2) (a) and amended to read:

16 49.165 (2) (a) The secretary shall make grants from the appropriation accounts
17 under s. ~~20.435 (3)~~ 20.437 (1) (cd) and (hh) and in each fiscal year \$950,000 from the
18 appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (ky) to organizations for the
19 provision of any of the services specified in sub. (1) (d). Grants may be made to
20 organizations which have provided those domestic abuse services in the past or to
21 organizations which propose to provide those services in the future. No grant may
22 be made to fund services for child or unborn child abuse or abuse of elderly persons.

23 **SECTION 1186.** 46.95 (2) (b) of the statutes is renumbered 49.165 (2) (b).

24 **SECTION 1187.** 46.95 (2) (c) of the statutes is renumbered 49.165 (2) (c).

25 **SECTION 1188.** 46.95 (2) (d) of the statutes is renumbered 49.165 (2) (d).

SENATE BILL 40**SECTION 1189**

1 **SECTION 1189.** 46.95 (2) (e) of the statutes is renumbered 49.165 (2) (e).

2 **SECTION 1190.** 46.95 (2) (f) (intro.) of the statutes is renumbered 49.165 (2) (f)
3 (intro.) and amended to read:

4 49.165 (2) (f) (intro.) From the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cd)
5 and (hh), the department shall do all of the following:

6 **SECTION 1191.** 46.95 (2) (f) 1. of the statutes is renumbered 49.165 (2) (f) 1.

7 **SECTION 1192.** 46.95 (2) (f) 5. of the statutes is renumbered 49.165 (2) (f) 5.

8 **SECTION 1193.** 46.95 (2) (f) 6. of the statutes is renumbered 49.165 (2) (f) 6.

9 **SECTION 1194.** 46.95 (2) (f) 7. of the statutes is renumbered 49.165 (2) (f) 7.

10 **SECTION 1195.** 46.95 (2) (f) 8. of the statutes is renumbered 49.165 (2) (f) 8.

11 **SECTION 1196.** 46.95 (2) (f) 9. of the statutes is renumbered 49.165 (2) (f) 9.

12 **SECTION 1197.** 46.95 (2) (f) 10. of the statutes is renumbered 49.165 (2) (f) 10.

13 **SECTION 1198.** 46.95 (2m) of the statutes is renumbered 49.165 (2m).

14 **SECTION 1199.** 46.95 (3) of the statutes is renumbered 49.165 (3).

15 **SECTION 1200.** 46.95 (4) of the statutes is renumbered 49.165 (4).

16 **SECTION 1201.** 46.976 of the statutes is repealed.

17 **SECTION 1202.** 46.985 (2) (a) 2. of the statutes is repealed.

18 **SECTION 1203.** 46.985 (2) (f) of the statutes is created to read:

19 46.985 (2) (f) Establish criteria for priority of services that take into account
20 urgency of need, statewide consistency, developmental impact on eligible children,
21 and other factors, so as to ensure that available funds are used consistently and
22 effectively.

23 **SECTION 1204.** 46.99 (title) of the statutes is renumbered 48.545 (title).

24 **SECTION 1205.** 46.99 (1) of the statutes is renumbered 48.545 (1).

25 **SECTION 1206.** 46.99 (2) (title) of the statutes is renumbered 48.545 (2) (title).

SENATE BILL 40**SECTION 1207**

1 **SECTION 1207.** 46.99 (2) (a) (intro.) of the statutes is renumbered 48.545 (2) (a)
2 (intro.) and amended to read:

3 48.545 **(2)** (a) (intro.) From the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (eg)
4 and (nL), the department shall distribute \$2,125,200 in each fiscal year to applying
5 nonprofit corporations and public agencies operating in a county having a population
6 of 500,000 or more and \$1,199,300 in each fiscal year to applying county departments
7 under s. 46.22, 46.23, 51.42, or 51.437 operating in counties other than a county
8 having a population of 500,000 or more to provide programs to accomplish all of the
9 following:

10 **SECTION 1208.** 46.99 (2) (a) 1. of the statutes is renumbered 48.545 (2) (a) 1.

11 **SECTION 1209.** 46.99 (2) (a) 2. of the statutes is renumbered 48.545 (2) (a) 2.

12 **SECTION 1210.** 46.99 (2) (a) 3. of the statutes is renumbered 48.545 (2) (a) 3.

13 **SECTION 1211.** 46.99 (2) (a) 4. of the statutes is renumbered 48.545 (2) (a) 4.

14 **SECTION 1212.** 46.99 (2) (a) 5. of the statutes is renumbered 48.545 (2) (a) 5.

15 **SECTION 1213.** 46.99 (2) (b) of the statutes is renumbered 48.545 (2) (b).

16 **SECTION 1214.** 46.99 (3) of the statutes is renumbered 48.545 (3).

17 **SECTION 1215.** 46.995 (title) of the statutes is renumbered 48.487 (title).

18 **SECTION 1216.** 46.995 (1m) of the statutes is renumbered 48.487 (1m) and
19 amended to read:

20 48.487 **(1m)** TRIBAL ADOLESCENT SERVICES ALLOCATION. From the appropriation
21 account under s. ~~20.435 (3)~~ 20.437 (1) (eg), the department may allocate \$210,000 in
22 each fiscal year to provide the grants specified in subs. (2), (3) (b), and (4m) (b).

23 **SECTION 1217.** 46.995 (2) of the statutes is renumbered 48.487 (2).

24 **SECTION 1218.** 46.995 (3) of the statutes is renumbered 48.487 (3).

25 **SECTION 1219.** 46.995 (4m) of the statutes is renumbered 48.487 (4m).

SENATE BILL 40**SECTION 1220**

1 **SECTION 1220.** 46.997 (title) of the statutes is renumbered 48.647 (title).

2 **SECTION 1221.** 46.997 (1) of the statutes is renumbered 48.647 (1).

3 **SECTION 1222.** 46.997 (2) (title) of the statutes is renumbered 48.647 (2) (title).

4 **SECTION 1223.** 46.997 (2) (a) of the statutes is renumbered 48.647 (2) (a) and
5 amended to read:

6 48.647 (2) (a) From the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (f), the
7 department shall distribute not more than \$0 in each fiscal year as grants to private
8 agencies to provide 2nd-chance homes and related services to eligible persons who
9 are placed under s. 48.63 (5) in 2nd-chance homes operated by those private
10 agencies. A private agency that is awarded a grant under this paragraph may use
11 the amount awarded under the grant to provide care and maintenance to eligible
12 persons who are placed under s. 48.63 (5) in a 2nd-chance home operated by the
13 private agency; provide services, including the services specified in sub. (3), to
14 eligible persons who currently are or formerly were placed under s. 48.63 (5) in the
15 2nd-chance home, to the children and families of those eligible persons, and to the
16 noncustodial parents of the children of those eligible persons; and, in the first year
17 of the grant period, pay for the start-up costs, other than capital costs, of the private
18 agency's program funded under this paragraph.

19 **SECTION 1224.** 46.997 (2) (b) of the statutes is renumbered 48.647 (2) (b) and
20 amended to read:

21 48.647 (2) (b) The department of ~~health and family services~~ shall award the
22 grants under par. (a) on a competitive basis and according to request-for-proposal
23 procedures that the department of ~~health and family services~~ shall prescribe in
24 consultation with the ~~department of workforce development~~, local health
25 departments, as defined in s. 250.01 (4), and other providers of services to eligible

SENATE BILL 40**SECTION 1224**

1 persons. Those request-for-proposal procedures shall include a requirement that
2 a private agency that applies for a grant under par. (a) include in its grant application
3 proof that the private agency has the cultural competency to provide services under
4 the grant to persons and families in the various cultures in the private agency's
5 target population and that cultural competency is incorporated in the private
6 agency's policies, administration, and practices. In awarding the grants under par.
7 (a), the department of ~~health and family services~~ shall consider the need for those
8 grants to be distributed both on a statewide basis and in the areas of the state with
9 the greatest need for 2nd-chance homes and the need to provide placements for
10 children who are voluntarily placed in a 2nd-chance home as well as for children who
11 are placed in a 2nd-chance home by court order.

12 **SECTION 1225.** 46.997 (2) (c) of the statutes is renumbered 48.647 (2) (c).

13 **SECTION 1226.** 46.997 (2) (d) of the statutes is renumbered 48.647 (2) (d).

14 **SECTION 1227.** 46.997 (2) (e) of the statutes is renumbered 48.647 (2) (e).

15 **SECTION 1228.** 46.997 (3) of the statutes is renumbered 48.647 (3).

16 **SECTION 1229.** 46.997 (4) of the statutes is renumbered 48.647 (4) and amended
17 to read:

18 **48.647 (4) EVALUATION.** From the appropriation under s. ~~20.435 (3)~~ 20.437 (1)
19 (f), the department shall conduct or shall select an evaluator to conduct an evaluation
20 of the grant program under this section and, by June 1 of the 3rd calendar year
21 beginning after the year in which the first grant under this section is awarded, shall
22 submit a report on that evaluation to the governor and to the appropriate standing
23 committees under s. 13.172 (3). The evaluation shall measure the economic
24 self-sufficiency, parenting skills, independent living skills, and life choice
25 decision-making skills of the eligible persons who received services under the

SENATE BILL 40**SECTION 1229**

1 program and any other criteria that the department determines to be appropriate for
2 evaluation.

3 **SECTION 1230.** 48.01 (1) (h) of the statutes is created to read:

4 48.01 (1) (h) To provide a just and humane program of services to nonmarital
5 children, children and unborn children in need of protection or services, and the
6 expectant mothers of those unborn children; to avoid duplication and waste of effort
7 and money on the part of public and private agencies; and to coordinate and integrate
8 a program of services to children and families.

9 **SECTION 1231.** 48.02 (4) of the statutes is amended to read:

10 48.02 (4) “Department” means the department of ~~health and family services~~
11 children and families.

12 **SECTION 1232.** 48.02 (16) of the statutes is created to read:

13 48.02 (16) “Secretary” means the secretary of children and families.

14 **SECTION 1233.** 48.06 (4) of the statutes is amended to read:

15 48.06 (4) STATE AID. State aid to any county for court services under this section
16 shall be at the same net effective rate that each county is reimbursed for county
17 administration under s. ~~46.495~~ 48.569. Counties having a population of less than
18 500,000 may use funds received under s. ~~46.495~~ 48.569 (1) (d), including county or
19 federal revenue sharing funds allocated to match funds received under s. ~~46.495~~
20 48.569 (1) (d), for the cost of providing court attached intake services in amounts not
21 to exceed 50% of the cost of providing court attached intake services or \$30,000 per
22 county per calendar year, whichever is less.

23 **SECTION 1234.** 48.21 (5) (b) 1. of the statutes is renumbered 48.21 (5) (b) 1. a.

24 and amended to read:

SENATE BILL 40**SECTION 1234**

1 48.21 (5) (b) 1. a. A finding that continued placement of the child in his or her
2 home would be contrary to the welfare of the child. ~~Unless the judge or circuit court~~
3 ~~commissioner finds that any of the circumstances specified in s. 48.355 (2d) (b) 1. to~~
4 ~~5. applies, the order shall in addition include a~~

5 b. A finding as to whether the person who took the child into custody and the
6 intake worker have made reasonable efforts to prevent the removal of the child from
7 the home, while assuring that the child's health and safety are the paramount
8 concerns, and a unless the judge or circuit court commissioner finds that any of the
9 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies.

10 c. A finding as to whether the person who took the child into custody and the
11 intake worker have made reasonable efforts to make it possible for the child to return
12 safely home or, if,

13 1m. If for good cause shown sufficient information is not available for the judge
14 or circuit court commissioner to make a finding as to whether those reasonable
15 efforts were made to prevent the removal of the child from the home, while assuring
16 that the child's health and safety are the paramount concerns, a finding as to
17 whether those reasonable efforts were made to make it possible for the child to return
18 safely home and an order for the county department, department, in a county having
19 a population of 500,000 or more, or agency primarily responsible for providing
20 services to the child under the custody order to file with the court sufficient
21 information for the judge or circuit court commissioner to make a finding as to
22 whether those reasonable efforts were made to prevent the removal of the child from
23 the home by no later than 5 days, excluding Saturdays, Sundays, and legal holidays,
24 after the date of on which the order is granted.

25 **SECTION 1235.** 48.21 (5) (b) 1. d. of the statutes is created to read:

SENATE BILL 40**SECTION 1235**

1 48.21 (5) (b) 1. d. If the child is under the supervision of the county department
2 or, in a county having a population of 500,000 or more, the department, an order
3 ordering the child into the placement and care responsibility of the county
4 department or department as required under 42 USC 672 (a) (2) and assigning the
5 county department or department primary responsibility for providing services to
6 the child.

7 **SECTION 1236.** 48.21 (5) (c) of the statutes is amended to read:

8 48.21 (5) (c) The judge or circuit court commissioner shall make the findings
9 specified in par. (b) 1., 1m., and 3. on a case-by-case basis based on circumstances
10 specific to the child and shall document or reference the specific information on
11 which those findings are based in the custody order. A custody order that merely
12 references par. (b) 1., 1m., or 3. without documenting or referencing that specific
13 information in the custody order or an amended custody order that retroactively
14 corrects an earlier custody order that does not comply with this paragraph is not
15 sufficient to comply with this paragraph.

16 **SECTION 1237.** 48.235 (4) (b) of the statutes is amended to read:

17 48.235 (4) (b) The court shall order the agency identified under s. ~~48.355 (2) (b)~~
18 ~~1. 48.33 (1) (c)~~ as primarily responsible for the provision of services to notify the
19 guardian ad litem, if any, regarding actions to be taken under par. (a).

20 **SECTION 1238.** 48.235 (4m) (b) of the statutes is amended to read:

21 48.235 (4m) (b) The court shall order the agency identified under s. ~~48.355 (2)~~
22 ~~(b) 1. 48.33 (1) (c)~~ as primarily responsible for the provision of services to notify the
23 guardian ad litem, if any, regarding actions to be taken under par. (a).

24 **SECTION 1239.** 48.275 (2) (d) 2. of the statutes is amended to read:

SENATE BILL 40**SECTION 1239**

1 48.275 **(2)** (d) 2. In a county having a population of 500,000 or more,
2 reimbursement payments shall be made to the clerk of courts of the county where the
3 proceedings took place. Each payment shall be transmitted to the secretary of
4 administration, who shall deposit the amount paid in the general fund and credit
5 25% of the amount paid to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1)
6 (gx) and the remainder to the appropriation account under s. 20.550 (1) (L).

7 **SECTION 1240.** 48.30 (6) (b) of the statutes is amended to read:

8 48.30 **(6)** (b) If it appears to the court that disposition of the case may include
9 placement of the child outside the child's home, the court shall order the child's
10 parent to provide a statement of income, assets, debts, and living expenses to the
11 court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled
12 date of the dispositional hearing or as otherwise ordered by the court. The clerk of
13 court shall provide, without charge, to any parent ordered to provide a statement of
14 income, assets, debts, and living expenses a document setting forth the percentage
15 standard established by the department of workforce development under s. 49.22 (9)
16 and the manner of its application established by the department of health and family
17 services under s. ~~46.247~~ 49.345 (14) (g) and listing the factors that a court may
18 consider under s. ~~46.10~~ 49.345 (14) (c).

19 **SECTION 1241.** 48.31 (7) (b) of the statutes is amended to read:

20 48.31 **(7)** (b) If it appears to the court that disposition of the case may include
21 placement of the child outside the child's home, the court shall order the child's
22 parent to provide a statement of income, assets, debts, and living expenses to the
23 court or the designated agency under s. 48.33 (1) at least 5 days before the scheduled
24 date of the dispositional hearing or as otherwise ordered by the court. The clerk of
25 court shall provide, without charge, to any parent ordered to provide a statement of

SENATE BILL 40**SECTION 1241**

1 income, assets, debts, and living expenses a document setting forth the percentage
2 standard established by the department of workforce development under s. 49.22 (9)
3 and the manner of its application established by the department of health and family
4 services under s. ~~46.247~~ 49.345 (14) (g) and listing the factors that a court may
5 consider under s. ~~46.10~~ 49.345 (14) (c).

6 **SECTION 1242.** 48.315 (2m) (a) 1. of the statutes is amended to read:

7 48.315 (2m) (a) 1. The court making an initial finding under s. 48.21 (5) (b) 1.
8 or 1m., 48.355 (2) (b) 6., or 48.357 (2v) (a) 1. that reasonable efforts have been made
9 to prevent the removal of the child from the home, while assuring that the child's
10 health and safety are the paramount concerns, or an initial finding under s. 48.21
11 (5) (b) 3., 48.355 (2) (b) 6r., or 48.357 (2v) (a) 3. that those efforts were not required
12 to be made because a circumstance specified in s. 48.355 (2d) (b) 1. to 5. applies, more
13 than 60 days after the date on which the child was removed from the home.

14 **SECTION 1243.** 48.32 (1) (b) 1. of the statutes is renumbered 48.32 (1) (b) 1.
15 (intro.) and amended to read:

16 48.32 (1) (b) 1. (intro.) If at the time the consent decree is entered into the child
17 is placed outside the home under a voluntary agreement under s. 48.63 or is
18 otherwise living outside the home without a court order and if the consent decree
19 maintains the child in that placement or other living arrangement, the consent
20 decree shall include ~~a-~~ all of the following:

21 a. A finding that placement of the child in his or her home would be contrary
22 to the welfare of the child, ~~a-~~

23 b. A finding as to whether the county department, the department, in a county
24 having a population of 500,000 or more, or the agency primarily responsible for
25 providing services to the child has made reasonable efforts to prevent the removal

SENATE BILL 40**SECTION 1243**

1 of the child from the home, while assuring that the child's health and safety are the
2 paramount concerns, unless the judge or circuit court commissioner finds that any
3 of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, ~~and a.~~

4 c. A finding as to whether the county department, department, or agency has
5 made reasonable efforts to achieve the goal of the child's permanency plan, unless
6 return of the child to the home is the goal of the permanency plan and the judge or
7 circuit court commissioner finds that any of the circumstances specified in s. 48.355
8 (2d) (b) 1. to 5. applies.

9 **SECTION 1244.** 48.32 (1) (b) 1. d. of the statutes is created to read:

10 48.32 (1) (b) 1. d. If the child's placement or other living arrangement is under
11 the supervision of the county department or, in a county having a population of
12 500,000 or more, the department, an order ordering the child into the placement and
13 care responsibility of the county department or department as required under 42
14 USC 672 (a) (2) and assigning the county department or department primary
15 responsibility for providing services to the child.

16 **SECTION 1245.** 48.33 (4m) (intro.) of the statutes is amended to read:

17 48.33 (4m) SUPPORT RECOMMENDATIONS; INFORMATION TO PARENTS. (intro.) In
18 making a recommendation for an amount of child support under sub. (4), the agency
19 shall consider the factors that the court considers under s. ~~46.10~~ 49.345 (14) (c) for
20 deviation from the percentage standard. Prior to the dispositional hearing under s.
21 48.335, the agency shall provide the child's parent with all of the following:

22 **SECTION 1246.** 48.33 (4m) (b) of the statutes is amended to read:

23 48.33 (4m) (b) A written explanation of how the parent may request that the
24 court modify the amount of child support under s. ~~46.10~~ 49.345 (14) (c).

SENATE BILL 40**SECTION 1247**

1 **SECTION 1247.** 48.335 (3g) of the statutes is renumbered 48.335 (3g) (intro.) and
2 amended to read:

3 48.335 **(3g)** (intro.) At hearings under this section, if the agency, as defined in
4 s. 48.38 (1) (a), is recommending placement of the child in a foster home, treatment
5 foster home, group home, or residential care center for children and youth or in the
6 home of a relative other than a parent, the agency shall present as evidence specific
7 information showing that all of the following:

8 (a) That continued placement of the child in his or her home would be contrary
9 to the welfare of the child, ~~specific information showing that.~~

10 (b) That the county department, the department, in a county having a
11 population of 500,000 or more, or the agency primarily responsible for providing
12 services to the child has made reasonable efforts to prevent the removal of the child
13 from the home, while assuring that the child's health and safety are the paramount
14 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
15 applies, ~~and specific information showing that.~~

16 (c) That the county department, department, or agency has made reasonable
17 efforts to achieve the goal of the child's permanency plan, unless return of the child
18 to the home is the goal of the permanency plan and any of the circumstances specified
19 in s. 48.355 (2d) (b) 1. to 5. applies.

20 **SECTION 1248.** 48.355 (2) (b) 1. of the statutes is amended to read:

21 48.355 **(2)** (b) 1. The specific services ~~or continuum of services~~ to be provided
22 to the child and family, to the child expectant mother and family, or to the adult
23 expectant mother, ~~the identity of the agencies which are to be primarily responsible~~
24 ~~for the provision of the services ordered by the judge, the identity of the person or~~
25 ~~agency who will provide case management or coordination of services, if any, and, if~~

SENATE BILL 40**SECTION 1248**

1 custody of the child is to be transferred to effect the treatment plan, the identity of
2 the legal custodian.

3 **SECTION 1249.** 48.355 (2) (b) 6g. of the statutes is created to read:

4 48.355 (2) (b) 6g. If the child is placed outside the home under the supervision
5 of the county department or, in a county having a population of 500,000 or more, the
6 department, an order ordering the child into the placement and care responsibility
7 of the county department or department as required under 42 USC 672 (a) (2) and
8 assigning the county department or department primary responsibility for providing
9 services to the child.

10 **SECTION 1250.** 48.357 (1) (am) 3. of the statutes is amended to read:

11 48.357 (1) (am) 3. If the court changes the child's placement from a placement
12 outside the home to another placement outside the home, the change in placement
13 order shall contain ~~one of the statements~~ the applicable order specified in sub. (2v)
14 (a) 1m. and the applicable statement specified in sub. (2v) (a) 2.

15 **SECTION 1251.** 48.357 (1) (c) 3. of the statutes is amended to read:

16 48.357 (1) (c) 3. If the court changes the child's placement from a placement in
17 the child's home to a placement outside the child's home, the change in placement
18 order shall contain the findings specified in sub. (2v) (a) 1., ~~one of the statements~~ the
19 applicable order specified in sub. (2v) (a) 1m., the applicable statement specified in
20 sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances
21 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the
22 determination specified in sub. (2v) (a) 3.

23 **SECTION 1252.** 48.357 (2m) (c) of the statutes is amended to read:

24 48.357 (2m) (c) If the court changes the child's placement from a placement in
25 the child's home to a placement outside the child's home, the change in placement

SENATE BILL 40**SECTION 1252**

1 order shall contain the findings specified in sub. (2v) (a) 1., ~~one of the statements the~~
2 applicable order specified in sub. (2v) (a) 1m., the applicable statement specified in
3 sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances
4 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the
5 determination specified in sub. (2v) (a) 3. If the court changes the child's placement
6 from a placement outside the home to another placement outside the home, the
7 change in placement order shall contain the applicable order specified in sub. (2v)
8 (a) 1m. and the applicable statement specified in sub. (2v) (a) 2.

9 **SECTION 1253.** 48.357 (2v) (a) 1m. of the statutes is created to read:

10 48.357 (2v) (a) 1m. If the change in placement order changes the placement of
11 a child who is under the supervision of the county department or, in a county having
12 a population of 500,000 or more, the department to a placement outside the child's
13 home, whether from a placement in the home or from another placement outside the
14 home, an order ordering the child into, or to be continued in, the placement and care
15 responsibility of the county department or department as required under 42 USC
16 672 (a) (2) and assigning the county department or department primary
17 responsibility, or continued primary responsibility, for providing services to the
18 child.

19 **SECTION 1254.** 48.357 (5m) (a) of the statutes is amended to read:

20 48.357 (5m) (a) If a proposed change in placement changes a child's placement
21 from a placement in the child's home to a placement outside the child's home, the
22 court shall order the child's parent to provide a statement of income, assets, debts
23 and living expenses to the court or the person or agency primarily responsible for
24 implementing the dispositional order by a date specified by the court. The clerk of
25 court shall provide, without charge, to any parent ordered to provide a statement of

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1 income, assets, debts, and living expenses a document setting forth the percentage
2 standard established by the department of workforce development under s. 49.22 (9)
3 and the manner of its application established by the department of health and family
4 services under s. ~~46.247~~ 49.345 (14) (g) and listing the factors that a court may
5 consider under s. ~~46.10~~ 49.345 (14) (c). If the child is placed outside the child's home,
6 the court shall determine the liability of the parent in the manner provided in s. ~~46.10~~
7 49.345 (14).

8 **SECTION 1255.** 48.36 (1) (a) of the statutes is amended to read:

9 48.36 (1) (a) If legal custody is transferred from the parent or guardian or the
10 court otherwise designates an alternative placement for the child by a disposition
11 made under s. 48.345 or by a change in placement under s. 48.357, the duty of the
12 parent or guardian or, in the case of a transfer of guardianship and custody under
13 s. 48.839 (4), the duty of the former guardian to provide support shall continue even
14 though the legal custodian or the placement designee may provide the support. A
15 copy of the order transferring custody or designating alternative placement for the
16 child shall be submitted to the agency or person receiving custody or placement and
17 the agency or person may apply to the court for an order to compel the parent or
18 guardian to provide the support. Support payments for residential services, when
19 purchased or otherwise funded or provided by the department or a county
20 department under s. ~~46.22, 46.23, 51.42 or 51.437~~, shall be determined under s. ~~46.10~~
21 49.345 (14). Support payments for residential services, when purchased or otherwise
22 funded by the department of health and family services or a county department
23 under s. 51.42 or 51.437, shall be determined under s. 46.10 (14).

24 **SECTION 1256.** 48.36 (1) (b) of the statutes is amended to read:

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1 48.36 (1) (b) In determining the amount of support under par. (a), the court may
2 consider all relevant financial information or other information relevant to the
3 parent's earning capacity, including information reported under s. 49.22 (2m) to the
4 department of ~~workforce development~~ or the county child support agency under s.
5 59.53 (5). If the court has insufficient information with which to determine the
6 amount of support, the court shall order the child's parent to furnish a statement of
7 income, assets, debts, and living expenses, if the parent has not already done so, to
8 the court within 10 days after the court's order transferring custody or designating
9 an alternative placement is entered or at such other time as ordered by the court.

10 **SECTION 1257.** 48.36 (2) of the statutes is amended to read:

11 48.36 (2) If an expectant mother or a child whose legal custody has not been
12 taken from a parent or guardian is given educational and social services, or medical,
13 psychological or psychiatric treatment by order of the court, the cost of those services
14 or that treatment, if ordered by the court, shall be a charge upon the county in a
15 county having a population of less than 500,000 or the department in a county having
16 a population of 500,000 or more. This section does not prevent recovery of reasonable
17 contribution toward the costs from the parent or guardian of the child or from an
18 adult expectant mother as the court may order based on the ability of the parent,
19 guardian or adult expectant mother to pay. This subsection shall be subject to s.
20 ~~46.03 (18)~~ 49.32 (1).

21 **SECTION 1258.** 48.361 (2) (c) of the statutes is amended to read:

22 48.361 (2) (c) Payment for alcohol and other drug abuse services by a county
23 department under this section does not prohibit the county department from
24 contracting with another county department or approved treatment facility for the
25 provision of alcohol and other drug abuse services. Payment by the county under this

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1 section does not prevent recovery of reasonable contribution toward the costs of the
2 court-ordered alcohol and other drug abuse services from the parent or adult
3 expectant mother which is based upon the ability of the parent or adult expectant
4 mother to pay. This subsection is subject to s. ~~46.03 (18)~~ 49.32 (1).

5 **SECTION 1259.** 48.362 (4) (c) of the statutes is amended to read:

6 48.362 (4) (c) A county department that pays for court-ordered special
7 treatment or care under par. (a) may recover from the parent or adult expectant
8 mother, based on the ability of the parent or adult expectant mother to pay, a
9 reasonable contribution toward the costs of the court-ordered special treatment or
10 care. This paragraph is subject to s. ~~46.03 (18)~~ 49.32 (1).

11 **SECTION 1260.** 48.363 (1) (c) of the statutes is amended to read:

12 48.363 (1) (c) If the proposed revision is for a change in the amount of child
13 support to be paid by a parent, the court shall order the child's parent to provide a
14 statement of income, assets, debts and living expenses to the court and the person
15 or agency primarily responsible for implementing the dispositional order by a date
16 specified by the court. The clerk of court shall provide, without charge, to any parent
17 ordered to provide a statement of income, assets, debts, and living expenses a
18 document setting forth the percentage standard established by the department of
19 ~~workforce development~~ under s. 49.22 (9) and the manner of its application
20 established by the department of ~~health and family services~~ under s. ~~46.247~~ 49.345
21 (14) (g) and listing the factors that a court may consider under s. ~~46.10~~ 49.345 (14)
22 (c).

23 **SECTION 1261.** 48.363 (2) of the statutes is amended to read:

24 48.363 (2) If the court revises a dispositional order with respect to the amount
25 of child support to be paid by a parent for the care and maintenance of the parent's

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1 minor child who has been placed by a court order under this chapter in a residential,
2 nonmedical facility, the court shall determine the liability of the parent in the
3 manner provided in s. ~~46.10~~ 49.345 (14).

4 **SECTION 1262.** 48.38 (2) (intro.) of the statutes is amended to read:

5 48.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
6 for each child living in a foster home, treatment foster home, group home, residential
7 care center for children and youth, juvenile detention facility, or shelter care facility,
8 the agency that placed the child or arranged the placement or the agency assigned
9 primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g.
10 shall prepare a written permanency plan, if any of the following conditions exists,
11 and, for each child living in the home of a relative other than a parent, that agency
12 shall prepare a written permanency plan, if any of the conditions specified in pars.
13 (a) to (e) exists:

14 **SECTION 1263.** 48.417 (2) (c) of the statutes is amended to read:

15 48.417 (2) (c) The agency primarily responsible for providing services to the
16 ~~child and the family~~ under a court order, if required under s. 48.355 (2) (b) 6. to make
17 reasonable efforts to make it possible for the child to return safely to his or her home,
18 has not provided to the family of the child, consistent with the time period in the
19 child's permanency plan, the services necessary for the safe return of the child to his
20 or her home.

21 **SECTION 1264.** 48.425 (1) (c) of the statutes is amended to read:

22 48.425 (1) (c) If the child has been previously adjudicated to be in need of
23 protection and services, a statement of the steps the agency or person responsible for
24 provision of services has taken to remedy the conditions responsible for court
25 intervention and the parent's response to and cooperation with these services. If the

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1 child has been removed from the home, the report ~~should~~ shall also include a
2 statement of the reasons why the child cannot be returned safely to the family, and
3 the steps the person or agency has taken to effect this return. If a permanency plan
4 has previously been prepared for the child, the report shall also include specific
5 information showing that the agency primarily responsible for providing services to
6 the child has made reasonable efforts to achieve the goal of the child's permanency
7 plan.

8 **SECTION 1265.** 48.43 (1) (am) of the statutes is created to read:

9 48.43 (1) (am) If the department or a county department receives guardianship
10 or custody of the child under par. (a), an order ordering the child into the placement
11 and care responsibility of the department or county department as required under
12 42 USC 672 (a) (2) and assigning the department or county department primary
13 responsibility for providing services to the child.

14 **SECTION 1266.** 48.43 (1) (cm) of the statutes is created to read:

15 48.43 (1) (cm) If a permanency plan has previously been prepared for the child,
16 a finding as to whether the agency primarily responsible for providing services to the
17 child has made reasonable efforts to achieve the goal of the child's permanency plan.
18 The court shall make the findings specified in this paragraph on a case-by-case basis
19 based on circumstances specific to the child and shall document or reference the
20 specific information on which those findings are based in the order. An order that
21 merely references this paragraph without documenting or referencing that specific
22 information in the order or an amended order that retroactively corrects an earlier
23 order that does not comply with this paragraph is not sufficient to comply with this
24 paragraph.

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1 of prevention and treatment of problems among children and families and related
2 social problems. The department may utilize all powers provided by the statutes,
3 including the authority to accept grants of money or property from federal, state, or
4 private sources, and enlist the cooperation of other appropriate agencies and state
5 departments.

6 **SECTION 1274.** 48.48 (12) (a) of the statutes is amended to read:

7 48.48 (12) (a) To enter into an agreement to assist in the cost of care of a child
8 after legal adoption when the department has determined that such assistance is
9 necessary to assure the child's adoption. Agreements under this paragraph shall be
10 made in accordance with s. 48.975. Payments shall be made from the appropriation
11 under s. ~~20.435 (3)~~ 20.437 (1) (dd).

12 **SECTION 1275.** 48.48 (17) (am) of the statutes is created to read:

13 48.48 (17) (am) The requirement of statewide uniformity with respect to the
14 organization and governance of human services does not apply to the administration
15 of child welfare services under par. (a).

16 **SECTION 1276.** 48.48 (17) (c) (intro.) of the statutes is amended to read:

17 48.48 (17) (c) (intro.) From the appropriations under s. ~~20.435 (3)~~ 20.437 (1)
18 (cx), (gx), (kw), and (mx), the department may provide funding for the maintenance
19 of any child who meets all of the following criteria:

20 **SECTION 1277.** 48.48 (17) (c) 3. of the statutes is amended to read:

21 48.48 (17) (c) 3. Received funding under s. 20.437 (1) (cx) or 48.569 (1) (d) or
22 under s. 20.435 (3) (cx), 2005 stats., or 46.495 (1) (d), 2005 stats., immediately prior
23 to his or her 18th birthday.

24 **SECTION 1278.** 48.48 (17) (d) of the statutes is amended to read:

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1 48.48 (17) (d) The funding provided for the maintenance of a child under par.
2 (c) shall be in an amount equal to that which the child would receive under s. ~~20.435~~
3 ~~(3) 20.437 (1) (cx), (gx), (kw), and (mx) or 46.495~~ 48.569 (1) (d) if the child were 17
4 years of age.

5 **SECTION 1279.** 48.48 (18) of the statutes is created to read:

6 48.48 (18) To contract with public or voluntary agencies or others for the
7 following purposes:

8 (a) To purchase in full or in part care and services that the department is
9 authorized by any statute to provide as an alternative to providing that care and
10 those services itself.

11 (b) To purchase or provide in full or in part the care and services that county
12 agencies may provide or purchase under any statute and to sell to county agencies
13 such portions of that care and those services as the county agency may desire to
14 purchase.

15 (d) To sell services, under contract, that the department is authorized to
16 provide by statute, to any federally recognized tribal governing body.

17 **SECTION 1280.** 48.543 of the statutes is created to read:

18 **48.543 Services for children and families. (1)** From the appropriation
19 account under s. 20.435 (3) (ky), the department shall distribute the following
20 amounts in each fiscal year in Milwaukee County to organizations:

21 (a) To provide gender-responsive alcohol and other drug abuse treatment, case
22 management, child and family services, and educational services to drug dependent
23 women with children, \$250,000.

24 (b) To provide services to aid youth in making the transition from foster care
25 to independent living, \$50,000.

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1 **(2)** From the appropriation account under s. 20.435 (3) (kz), the department
2 shall distribute \$500,000 in each fiscal year for comprehensive early childhood
3 initiatives in Dane County that provide home visiting and employment preparation
4 and support for low-income families.

5 *~~1508~~/***SECTION 1281.** 48.543 (1) (intro.) of the statutes, as created by 2007
6 Wisconsin Act (this act), is amended to read:

7 48.543 **(1)** (intro.) From the appropriation account under s. ~~20.435 (3)~~ 20.437
8 (1) (ky), the department shall distribute the following amounts in each fiscal year in
9 Milwaukee County to organizations:

10 **SECTION 1282.** 48.543 (2) of the statutes, as created by 2007 Wisconsin Act
11 (this act), is amended to read:

12 48.543 **(2)** From the appropriation account under s. ~~20.435~~ 20.437 (1) (kz), the
13 department shall distribute \$500,000 in each fiscal year for comprehensive early
14 childhood initiatives in Dane County that provide home visiting and employment
15 preparation and support for low-income families.

16 **SECTION 1283.** 48.547 (2) of the statutes is amended to read:

17 48.547 **(2)** DEPARTMENT RESPONSIBILITIES. Within the availability of funding
18 under s. ~~20.435 (7)~~ 20.437 (1) (mb) that is available for the program, the department
19 shall select counties to participate in the program. Unless a county department of
20 human services has been established under s. 46.23 in the county that is seeking to
21 implement a program, the application submitted to the department shall be a joint
22 application by the county department that provides social services and the county
23 department established under s. 51.42 or 51.437. The department shall select
24 counties in accordance with the request for proposal procedures established by the

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1 department. The department shall give a preference to county applications that
2 include a plan for case management.

3 **SECTION 1284.** 48.55 (1) of the statutes is amended to read:

4 48.55 (1) The department shall establish a state adoption information
5 exchange for the purpose of finding adoptive homes for children with special needs
6 who do not have permanent homes and a state adoption center for the purposes of
7 increasing public knowledge of adoption and promoting to adolescents and pregnant
8 women the availability of adoption services. From the appropriation under s. ~~20.435~~
9 ~~(3)~~ 20.437 (1) (dg), the department may provide ~~not more than \$163,700 in fiscal year~~
10 ~~2001–02 and~~ not more than \$171,300 in each fiscal year thereafter as grants to
11 individuals and private agencies to provide adoption information exchange services
12 and to operate the state adoption center.

13 **SECTION 1285.** 48.561 (3) (a) 1. of the statutes is amended to read:

14 48.561 (3) (a) 1. Through a reduction of \$37,209,200 from the ~~amount~~ amounts
15 distributed to that county under s. ss. 46.40 (2) and 48.563 (2) in each state fiscal year.

16 **SECTION 1286.** 48.561 (3) (b) of the statutes is amended to read:

17 48.561 (3) (b) The department of administration shall collect the amount
18 specified in par. (a) 3. from a county having a population of 500,000 or more by
19 deducting all or part of that amount from any state payment due that county under
20 s. 79.03, 79.04, 79.058, 79.06, or 79.08. The department of administration shall
21 notify the department of revenue, by September 15 of each year, of the amount to be
22 deducted from the state payments due under s. 79.03, 79.04, 79.058, 79.06, or 79.08.
23 The department of administration shall credit all amounts collected under this
24 paragraph to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (kw) and shall
25 notify the county from which those amounts are collected of that collection. The

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1 department may not expend any moneys from the appropriation account under s.
2 ~~20.435 (3)~~ 20.437 (1) (cx) for providing services to children and families under s. 48.48
3 (17) until the amounts in the appropriation account under s. ~~20.435 (3)~~ 20.437 (1)
4 (kw) are exhausted.

5 **SECTION 1287.** 48.563 of the statutes is created to read:

6 **48.563 Children and family aids funding. (1) DISTRIBUTION LIMITS. (a)**
7 Within the limits of available federal funds and of the appropriations under s. 20.437
8 (1) (b) and (o), the department shall distribute funds for children and family services
9 to county departments as provided in subs. (2), (3), and (7m) and s. 48.986.

10 (d) If the department receives from the department of health and family
11 services under s. 46.40 (1) (d) any federal moneys under 42 USC 1396 to 1396v in
12 reimbursement of the cost of preventing out-of-home placements of children, the
13 department shall use those moneys as the first source of moneys used to meet the
14 amount of the allocation under sub. (2) that is budgeted from federal funds.

15 **(2) BASIC COUNTY ALLOCATION.** For children and family services under s. 48.569
16 (1) (d), the department shall distribute not more than \$67,265,000 in each fiscal year.

17 **SECTION 1288.** 48.565 of the statutes is created to read:

18 **48.565 Carry-over of children and family aids funds.** Funds allocated by
19 the department under s. 48.569 (1) (d) but not spent or encumbered by counties,
20 governing bodies of federally recognized American Indian tribes, or private nonprofit
21 organizations by December 31 of each year and funds recovered under s. 48.569 (2)
22 (b) and deposited into the appropriation account under s. 20.437 (1) (b) lapse to the
23 general fund on the succeeding January 1 unless carried forward to the next calendar
24 year under s. 20.437 (1) (b) or as follows:

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1 **(3)** At the request of a county, tribal governing body, or private nonprofit
2 organization, the department shall carry forward up to 3 percent of the total amount
3 allocated to the county, tribal governing body, or nonprofit organization for a
4 calendar year. All funds carried forward for a tribal governing body or nonprofit
5 organization and all federal child welfare funds under 42 USC 620 to 626 carried
6 forward for a county shall be used for the purpose for which the funds were originally
7 allocated. Other funds carried forward under this subsection may be used for any
8 purpose under s. 20.437 (1) (b), except that a county may not use any funds carried
9 forward under this subsection for administrative or staff costs. An allocation of
10 carried-forward funding under this subsection does not affect a county's base
11 allocation under s. 48.563 (2).

12 **(6)** The department may carry forward 10 percent of any funds specified in sub.
13 (3) that are not carried forward under sub. (3) for emergencies, for justifiable unit
14 services costs above planned levels, and for increased costs due to population shifts.
15 An allocation of carried-forward funding under this subsection does not affect a
16 county's base allocation under s. 48.563 (2).

17 **SECTION 1289.** 48.567 of the statutes is created to read:

18 **48.567 Expenditure of income augmentation services receipts. (1)**
19 From the appropriation account under s. 20.437 (3) (mp), the department shall
20 support costs that are exclusively related to the ongoing and recurring operational
21 costs of augmenting the amount of moneys received under 42 USC 670 to 679a and
22 to any other purpose provided for by the legislature by law or in budget
23 determinations. In addition, the department may expend moneys from the
24 appropriation account under s. 20.437 (3) (mp) as provided in subs. (1m) and (2).

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1 **(2)** If the department proposes to use any moneys from the appropriation
2 account under s. 20.437 (3) (mp) for any purpose other than the purposes specified
3 in subs. (1) and (1m), the department shall submit a plan for the proposed use of those
4 moneys to the secretary of administration by September 1 of the fiscal year after the
5 fiscal year in which those moneys were received. If the secretary of administration
6 approves the plan, he or she shall submit the plan to the joint committee on finance
7 by October 1 of the fiscal year after the fiscal year in which those moneys were
8 received. If the cochairpersons of the committee do not notify the secretary of
9 administration within 14 working days after the date of submittal of the plan that
10 the committee has scheduled a meeting for the purpose of reviewing the plan, the
11 department may implement the plan. If within 14 working days after the date of the
12 submittal by the secretary of administration the cochairpersons of the committee
13 notify him or her that the committee has scheduled a meeting for the purpose of
14 reviewing the plan, the department may implement the plan only with the approval
15 of the committee.

16 **SECTION 1290.** 48.568 of the statutes is created to read:

17 **48.568 Allocation of federal funds for children and family aids and**
18 **child welfare.** Subject to s. 48.563 (1) (b) and (c), if the department receives
19 unanticipated federal foster care and adoption assistance payments under 42 USC
20 670 to 679a and it proposes to allocate the unanticipated funds so that an allocation
21 limit in s. 48.563 is exceeded, the department shall submit a plan for the proposed
22 allocation to the secretary of administration. If the secretary of administration
23 approves the plan, he or she shall submit it to the joint committee on finance. If the
24 cochairpersons of the committee do not notify the secretary of administration that
25 the committee has scheduled a meeting for the purpose of reviewing the plan within

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1 14 working days after the date of his or her submittal, the department may
2 implement the plan, notwithstanding any allocation limits under s. 48.563. If within
3 14 working days after the date of the submittal by the secretary of administration
4 the cochairpersons of the committee notify him or her that the committee has
5 scheduled a meeting for the purpose of reviewing the plan, the department may
6 implement the plan, notwithstanding s. 48.563, only with the approval of the
7 committee.

8 **SECTION 1291.** 48.569 of the statutes is created to read:

9 **48.569 Distribution of children and family aids funds to counties. (1)**

10 (am) The department shall reimburse each county from the appropriations under
11 s. 20.437 (1) (b) and (o) for children and family services as approved by the
12 department under ss. 46.22 (1) (b) 2. f. and (e) 3. b.

13 (d) From the appropriations under s. 20.437 (1) (b) and (o), the department shall
14 distribute the funding for children and family services, including funding for foster
15 care, treatment foster care, or subsidized guardianship care of a child on whose
16 behalf aid is received under s. 48.645 to county departments as provided under s.
17 48.563. County matching funds are required for the distribution under s. 48.563 (2).
18 Each county's required match for the distribution under s. 48.563 (2) shall be
19 specified in a schedule established annually by the department. Matching funds
20 may be from county tax levies, federal and state revenue sharing funds, or private
21 donations to the county that meet the requirements specified in sub. (1m). Private
22 donations may not exceed 25 percent of the total county match. If the county match
23 is less than the amount required to generate the full amount of state and federal
24 funds distributed for this period, the decrease in the amount of state and federal

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1 funds equals the difference between the required and the actual amount of county
2 matching funds.

3 (dc) The department shall prorate the amount allocated to any county
4 department under par. (d) to reflect actual federal funds available.

5 (f) 1. If any state matching funds allocated under par. (d) to match county funds
6 are not claimed, the funds shall be redistributed for the purposes the department
7 designates.

8 2. The county allocation to match aid increases shall be included in the contract
9 under s. 49.325 (2g), and approved by January 1 of the year for which funds are
10 allocated, in order to generate state aid matching funds. All funds allocated under
11 par. (d) shall be included in the contract under s. 49.325 (2g) and approved.

12 **(1m)** (a) A private donation to a county may be used to match the state
13 grant-in-aid under sub. (1) (d) only if the donation is both of the following:

14 1. Donated to a county department and the donation is under the
15 administrative control of that county department.

16 2. Donated without restrictions as to use, unless the restrictions specify that
17 the donation be used for a particular service and the donor neither sponsors nor
18 operates the service.

19 (b) Voluntary federated fund-raising organizations are not sponsors or
20 operators of services within the meaning of par. (a) 2. Any member agency of such
21 an organization that sponsors or operates services is considered to be an autonomous
22 entity separate from the organization unless the board membership of the
23 organization and the agency interlock.

24 **(2)** (a) The county treasurer and each director of a county department shall
25 monthly certify under oath to the department, in the manner the department

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1 prescribes, the claim of the county for state reimbursement under this section, and
2 if the department approves the claim it shall certify to the department of
3 administration for reimbursement to the county for amounts due under this section
4 and payment claimed to be made to the counties monthly. The department may make
5 advance payments prior to the beginning of each month equal to one-twelfth of the
6 contracted amount.

7 (b) To facilitate prompt reimbursement, the certificate of the department may
8 be based on the certified statements of the county officers filed under par. (a). Funds
9 recovered from audit adjustments from a prior fiscal year may be included in
10 subsequent certifications only to pay counties owed funds as a result of any audit
11 adjustment. By September 30 of each year the department shall submit a report to
12 the appropriate standing committees under s. 13.172 (3) on funds recovered and paid
13 out during the previous calendar year as a result of audit adjustments.

14 **SECTION 1292.** 48.57 (1) (g) of the statutes is amended to read:

15 48.57 (1) (g) Upon request of the department of health and family services or
16 the department of corrections, to provide service for any child or expectant mother
17 of an unborn child in the care of those departments.

18 **SECTION 1293.** 48.57 (3) (a) 3. (intro.) of the statutes is amended to read:

19 48.57 (3) (a) 3. (intro.) Received funding under s. 48.569 (1) (d) or under s.
20 46.495 (1) (d), 2005 stats., immediately prior to his or her 18th birthday; and

21 **SECTION 1294.** 48.57 (3) (b) of the statutes is amended to read:

22 48.57 (3) (b) The funding provided for the maintenance of a child under par. (a)
23 shall be in an amount equal to that which the child would receive under s. ~~46.495~~
24 48.569 (1) (d) if the child were 17 years of age.

25 **SECTION 1295.** 48.57 (3m) (am) (intro.) of the statutes is amended to read:

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1 48.57 **(3m)** (am) (intro.) From the appropriation under s. ~~20.435-3~~ 20.437 (1)
2 (kc), the department shall reimburse counties having populations of less than
3 500,000 for payments made under this subsection and shall make payments under
4 this subsection in a county having a population of 500,000 or more. A county
5 department and, in a county having a population of 500,000 or more, the department
6 shall make payments in the amount of \$215 per month to a kinship care relative who
7 is providing care and maintenance for a child if all of the following conditions are met:

8 **SECTION 1296.** 48.57 (3m) (e) of the statutes is amended to read:

9 48.57 **(3m)** (e) The department shall determine whether the child is eligible
10 for medical assistance under ss. 49.43 to ~~49.47~~ 49.471.

11 **SECTION 1297.** 48.57 (3n) (am) (intro.) of the statutes is amended to read:

12 48.57 **(3n)** (am) (intro.) From the appropriation under s. ~~20.435-3~~ 20.437 (1)
13 (kc), the department shall reimburse counties having populations of less than
14 500,000 for payments made under this subsection and shall make payments under
15 this subsection in a county having a population of 500,000 or more. A county
16 department and, in a county having a population of 500,000 or more, the department
17 shall make monthly payments for each child in the amount specified in sub. (3m)
18 (am) (intro.) to a long-term kinship care relative who is providing care and
19 maintenance for that child if all of the following conditions are met:

20 **SECTION 1298.** 48.57 (3n) (e) of the statutes is amended to read:

21 48.57 **(3n)** (e) The department shall determine whether the child is eligible for
22 medical assistance under ss. 49.43 to ~~49.47~~ 49.471.

23 **SECTION 1299.** 48.57 (3p) (b) 1. of the statutes is amended to read:

24 48.57 **(3p)** (b) 1. After receipt of an application for payments under sub. (3m)
25 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a

SENATE BILL 40**SECTION 1299**

1 population of 500,000 or more, the department of ~~health and family services~~, with
2 the assistance of the department of justice, shall conduct a background investigation
3 of the applicant.

4 **SECTION 1300.** 48.57 (3p) (b) 2. of the statutes is amended to read:

5 48.57 **(3p)** (b) 2. The county department or, in a county having a population of
6 500,000 or more, the department of ~~health and family services~~, with the assistance
7 of the department of justice, may conduct a background investigation of any person
8 who is receiving payments under sub. (3m) at the time of review under sub. (3m) (d)
9 or at any other time that the county department or department of ~~health and family~~
10 ~~services~~ considers to be appropriate.

11 **SECTION 1301.** 48.57 (3p) (b) 3. of the statutes is amended to read:

12 48.57 **(3p)** (b) 3. The county department or, in a county having a population of
13 500,000 or more, the department of ~~health and family services~~, with the assistance
14 of the department of justice, may conduct a background investigation of any person
15 who is receiving payments under sub. (3n) or s. 48.62 (5) (a) or (b) at any time that
16 the county department or department of ~~health and family services~~ considers to be
17 appropriate.

18 **SECTION 1302.** 48.57 (3p) (c) 1. of the statutes is amended to read:

19 48.57 **(3p)** (c) 1. After receipt of an application for payments under sub. (3m)
20 or (3n) or s. 48.62 (5) (a) or (b), the county department or, in a county having a
21 population of 500,000 or more, the department of ~~health and family services~~, with
22 the assistance of the department of justice, shall, in addition to the investigation
23 under par. (b) 1., conduct a background investigation of all employees and
24 prospective employees of the applicant who have or would have regular contact with
25 the child for whom those payments are being made and of each adult resident.

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1 **SECTION 1303.** 48.57 (3p) (c) 2. of the statutes is amended to read:

2 48.57 **(3p)** (c) 2. The county department or, in a county having a population of
3 500,000 or more, the department of ~~health and family services~~, with the assistance
4 of the department of justice, may conduct a background investigation of any of the
5 employees or prospective employees of any person who is receiving payments under
6 sub. (3m) who have or would have regular contact with the child for whom those
7 payments are being made and of each adult resident at the time of review under sub.
8 (3m) (d) or at any other time that the county department or department of ~~health and~~
9 ~~family services~~ considers to be appropriate.

10 **SECTION 1304.** 48.57 (3p) (c) 2m. of the statutes is amended to read:

11 48.57 **(3p)** (c) 2m. The county department or, in a county having a population
12 of 500,000 or more, the department of ~~health and family services~~, with the assistance
13 of the department of justice, may conduct a background investigation of any of the
14 employees or prospective employees of any person who is receiving payments under
15 sub. (3n) or s. 48.62 (5) (a) or (b) who have or would have regular contact with the child
16 for whom payments are being made and of each adult resident at any time that the
17 county department or department of ~~health and family services~~ considers to be
18 appropriate.

19 **SECTION 1305.** 48.57 (3p) (c) 3. of the statutes is amended to read:

20 48.57 **(3p)** (c) 3. Before a person who is receiving payments under sub. (3m) or
21 (3n) or s. 48.62 (5) (a) or (b) may employ any person in a position in which that person
22 would have regular contact with the child for whom those payments are being made
23 or permit any person to be an adult resident, the county department or, in a county
24 having a population of 500,000 or more, the department of ~~health and family~~
25 ~~services~~, with the assistance of the department of justice, shall conduct a background

SENATE BILL 40**SECTION 1305**

1 investigation of the prospective employee or prospective adult resident unless that
2 person has already been investigated under subd. 1., 2. or 2m.

3 **SECTION 1306.** 48.57 (3p) (d) of the statutes is amended to read:

4 48.57 **(3p)** (d) If the person being investigated under par. (b) or (c) is a
5 nonresident, or at any time within the 5 years preceding the date of the application
6 has been a nonresident, or if the county department or, in a county having a
7 population of 500,000 or more, the department of ~~health and family services~~
8 determines that the person's employment, licensing or state court records provide a
9 reasonable basis for further investigation, the county department or department of
10 ~~health and family services~~ shall require the person to be fingerprinted on 2
11 fingerprint cards, each bearing a complete set of the person's fingerprints. The
12 department of justice may provide for the submission of the fingerprint cards to the
13 federal bureau of investigation for the purposes of verifying the identity of the person
14 fingerprinted and obtaining records of his or her criminal arrest and conviction.

15 **SECTION 1307.** 48.57 (3p) (e) (intro.) of the statutes is amended to read:

16 48.57 **(3p)** (e) (intro.) Upon request, a person being investigated under par. (b)
17 or (c) shall provide the county department or, in a county having a population of
18 500,000 or more, the department of ~~health and family services~~ with all of the
19 following information:

20 **SECTION 1308.** 48.57 (3p) (fm) 1. of the statutes is amended to read:

21 48.57 **(3p)** (fm) 1. The county department or, in a county having a population
22 of 500,000 or more, the department of ~~health and family services~~ may provisionally
23 approve the making of payments under sub. (3m) based on the applicant's statement
24 under sub. (3m) (am) 4m. The county department or department of ~~health and family~~
25 ~~services~~ may not finally approve the making of payments under sub. (3m) unless the

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1 county department or department of health and family services receives information
2 from the department of justice indicating that the conviction record of the applicant
3 under the law of this state is satisfactory according to the criteria specified in par.
4 (g) 1. to 3. or payment is approved under par. (h) 4. The county department or
5 department of health and family services may make payments under sub. (3m)
6 conditioned on the receipt of information from the federal bureau of investigation
7 indicating that the person's conviction record under the law of any other state or
8 under federal law is satisfactory according to the criteria specified in par. (g) 1. to 3.

9 **SECTION 1309.** 48.57 (3p) (fm) 1m. of the statutes is amended to read:

10 48.57 (3p) (fm) 1m. The county department or, in a county having a population
11 of 500,000 or more, the department of health and family services may not enter into
12 the agreement under sub. (3n) (am) 6. or make payments under s. 48.62 (5) (a) or (b)
13 unless the county department or department of health and family services receives
14 information from the department of justice relating to the conviction record of the
15 applicant under the law of this state and that record indicates either that the
16 applicant has not been arrested or convicted or that the applicant has been arrested
17 or convicted but the director of the county department or, in a county having a
18 population of 500,000 or more, the person designated by the secretary of health and
19 family services to review conviction records under this subdivision determines that
20 the conviction record is satisfactory because it does not include any arrest or
21 conviction that the director or person designated by the secretary determines is
22 likely to adversely affect the child or the applicant's ability to care for the child. The
23 county department or, in a county having a population of 500,000 or more, the
24 department of health and family services may make payments under sub. (3n) or s.
25 48.62 (5) (a) or (b) conditioned on the receipt of information from the federal bureau

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1 of investigation indicating that the person's conviction record under the law of any
2 other state or under federal law is satisfactory because the conviction record does not
3 include any arrest or conviction that the director of the county department or, in a
4 county having a population of 500,000 or more, the person designated by the
5 secretary of ~~health and family services~~ to review conviction records under this
6 subdivision determines is likely to adversely affect the child or the applicant's ability
7 to care for the child.

8 **SECTION 1310.** 48.57 (3p) (fm) 2. of the statutes is amended to read:

9 48.57 **(3p)** (fm) 2. A person receiving payments under sub. (3m) may
10 provisionally employ a person in a position in which that person would have regular
11 contact with the child for whom those payments are being made or provisionally
12 permit a person to be an adult resident if the person receiving those payments states
13 to the county department or, in a county having a population of 500,000 or more, the
14 department of ~~health and family services~~ that the employee or adult resident does
15 not have any arrests or convictions that could adversely affect the child or the ability
16 of the person receiving payments to care for the child. A person receiving payments
17 under sub. (3m) may not finally employ a person in a position in which that person
18 would have regular contact with the child for whom those payments are being made
19 or finally permit a person to be an adult resident until the county department or, in
20 a county having a population of 500,000 or more, the department of ~~health and family~~
21 ~~services~~ receives information from the department of justice indicating that the
22 person's conviction record under the law of this state is satisfactory according to the
23 criteria specified in par. (g) 1. to 3. and the county department or, in a county having
24 a population of 500,000 or more, the department of ~~health and family services~~ so
25 advises the person receiving payments under sub. (3m) or until a decision is made

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1 under par. (h) 4. to permit a person who is receiving payments under sub. (3m) to
2 employ a person in a position in which that person would have regular contact with
3 the child for whom payments are being made or to permit a person to be an adult
4 resident and the county department or, in a county having a population of 500,000
5 or more, the department of health and family services so advises the person receiving
6 payments under sub. (3m). A person receiving payments under sub. (3m) may finally
7 employ a person in a position in which that person would have regular contact with
8 the child for whom those payments are being made or finally permit a person to be
9 an adult resident conditioned on the receipt of information from the county
10 department or, in a county having a population of 500,000 or more, the department
11 of health and family services that the federal bureau of investigation indicates that
12 the person's conviction record under the law of any other state or under federal law
13 is satisfactory according to the criteria specified in par. (g) 1. to 3.

14 **SECTION 1311.** 48.57 (3p) (fm) 2m. of the statutes is amended to read:

15 48.57 **(3p)** (fm) 2m. A person receiving payments under sub. (3n) or s. 48.62 (5)
16 (a) or (b) may provisionally employ a person in a position in which that person would
17 have regular contact with the child for whom those payments are being made or
18 provisionally permit a person to be an adult resident if the person receiving those
19 payments states to the county department or, in a county having a population of
20 500,000 or more, the department of health and family services that, to the best of his
21 or her knowledge, the employee or adult resident does not have any arrests or
22 convictions that could adversely affect the child or the ability of the person receiving
23 payments to care for the child. A person receiving payment under sub. (3n) or s. 48.62
24 (5) (a) or (b) may not finally employ a person in a position in which that person would
25 have regular contact with the child for whom those payments are being made or

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1 finally permit a person to be an adult resident until the county department or, in a
2 county having a population of 500,000 or more, the department of health and family
3 ~~services~~ receives information from the department of justice relating to the person's
4 conviction record under the law of this state and that record indicates either that the
5 person has not been arrested or convicted or that the person has been arrested or
6 convicted but the director of the county department or, in a county having a
7 population of 500,000 or more, the person designated by the secretary of health and
8 ~~family services~~ to review conviction records under this subdivision determines that
9 the conviction record is satisfactory because it does not include any arrest or
10 conviction that is likely to adversely affect the child or the ability of the person
11 receiving payments to care for the child and the county department or department
12 ~~of health and family services~~ so advises the person receiving payments under sub.
13 (3n) or s. 48.62 (5) (a) or (b). A person receiving payments under sub. (3n) or s. 48.62
14 (5) (a) or (b) may finally employ a person in a position in which that person would
15 have regular contact with the child for whom those payments are being made or
16 finally permit a person to be an adult resident conditioned on the receipt of
17 information from the county department or, in a county having a population of
18 500,000 or more, the department of ~~health and family services~~ that the federal
19 bureau of investigation indicates that the person's conviction record under the law
20 of any other state or under federal law is satisfactory because the conviction record
21 does not include any arrest or conviction that the director of the county department
22 or, in a county having a population of 500,000 or more, the person designated by the
23 secretary of ~~health and family services~~ to review conviction records under this
24 subdivision determines is likely to adversely affect the child or the ability of the
25 person receiving payments to care for the child.

SENATE BILL 40**SECTION 1312**

1 **SECTION 1312.** 48.57 (3p) (g) (intro.) of the statutes is amended to read:

2 48.57 **(3p)** (g) (intro.) Except as provided in par. (h), the county department or,
3 in a county having a population of 500,000 or more, the department of health and
4 family services may not make payments to a person applying for payments under
5 sub. (3m) and a person receiving payments under sub. (3m) may not employ a person
6 in a position in which that person would have regular contact with the child for whom
7 those payments are being made or permit a person to be an adult resident if any of
8 the following applies:

9 **SECTION 1313.** 48.57 (3p) (g) 3. of the statutes is amended to read:

10 48.57 **(3p)** (g) 3. The person has been convicted of a violation of ch. 940, 944m
11 or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63m or 948.70,
12 or of a violation of the law of any other state or federal law that would be a violation
13 of ch. 940, 944m or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45,
14 948.63m or 948.70, if committed in this state, except that a county department or,
15 in a county having a population of 500,000 or more, the department of health and
16 family services may make payments to a person applying for payments under sub.
17 (3m) and a person receiving payments under sub. (3m) may employ in a position in
18 which the person would have regular contact with the child for whom those payments
19 are being made or permit to be an adult resident a person who has been convicted
20 of a violation of s. 944.30, 944.31, or 944.33 or of a violation of the law of any other
21 state or federal law that would be a violation of s. 944.30, 944.31, or 944.33 if
22 committed in this state, if that violation occurred 20 years or more before the date
23 of the investigation.

24 **SECTION 1314.** 48.57 (3p) (h) 2. of the statutes is amended to read:

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1 **48.57 (3p) (h) 2.** The request for review shall be filed with the director of the
2 county department or, in a county having a population of 500,000 or more, with the
3 person designated by the secretary of ~~health and family services~~ to receive requests
4 for review filed under this subdivision. If the governing body of a federally
5 recognized American Indian tribe or band has entered into an agreement under sub.
6 (3t) to administer the program under this subsection and sub. (3m), the request for
7 review shall be filed with the person designated by that governing body to receive
8 requests for review filed under this subdivision.

9 **SECTION 1315.** 48.57 (3p) (h) 3. (intro.) of the statutes is amended to read:

10 **48.57 (3p) (h) 3. (intro.)** The director of the county department, the person
11 designated by the governing body of a federally recognized American Indian tribe or
12 band or, in a county having a population of 500,000 or more, the person designated
13 by the secretary of ~~health and family services~~ shall review the denial of payments or
14 the prohibition on employment or being an adult resident to determine if the
15 conviction record on which the denial or prohibition is based includes any arrests,
16 convictions, or penalties that are likely to adversely affect the child or the ability of
17 the kinship care relative to care for the child. In reviewing the denial or prohibition,
18 the director of the county department, the person designated by the governing body
19 of the federally recognized American Indian tribe or band or the person designated
20 by the secretary of ~~health and family services~~ shall consider, ~~but not be limited to,~~
21 all of the following factors:

22 **SECTION 1316.** 48.57 (3p) (h) 4. of the statutes is amended to read:

23 **48.57 (3p) (h) 4.** If the director of the county department, the person designated
24 by the governing body of the federally recognized American Indian tribe or band or,
25 in a county having a population of 500,000 or more, the person designated by the

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1 secretary of ~~health and family services~~ determines that the conviction record on
2 which the denial of payments or the prohibition on employment or being an adult
3 resident is based does not include any arrests, convictions, or penalties that are likely
4 to adversely affect the child or the ability of the kinship care relative to care for the
5 child, the director of the county department, the person designated by the governing
6 body of the federally recognized American Indian tribe or band, or the person
7 designated by the secretary of ~~health and family services~~ may approve the making
8 of payments under sub. (3m) or may permit a person receiving payments under sub.
9 (3m) to employ a person in a position in which that person would have regular contact
10 with the child for whom payments are being made or permit a person to be an adult
11 resident.

12 **SECTION 1317.** 48.57 (3p) (i) of the statutes is amended to read:

13 48.57 **(3p)** (i) A county department and, in a county having a population of
14 500,000 or more, the department of ~~health and family services~~ shall keep
15 confidential all information received under this subsection from the department of
16 justice or the federal bureau of investigation. Such information is not subject to
17 inspection or copying under s. 19.35.

18 **SECTION 1318.** 48.57 (3p) (j) of the statutes is amended to read:

19 48.57 **(3p)** (j) A county department or, in a county having a population of
20 500,000 or more, the department of ~~health and family services~~ may charge a fee for
21 conducting a background investigation under this subsection. The fee may not
22 exceed the reasonable cost of conducting the investigation.

23 **SECTION 1319.** 48.576 of the statutes is created to read:

24 **48.576 Shelter care facilities; general supervision and inspection by**
25 **department. (1) GENERALLY.** The department shall investigate and supervise all

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1 shelter care facilities and familiarize itself with all the circumstances affecting their
2 management and usefulness.

3 **(2) INSPECTIONS.** The department shall inquire into the methods of treatment,
4 instruction, government, and management of children placed in shelter care
5 facilities; the conduct of the trustees, managers, directors, superintendents, and
6 other officers and employees of those facilities; the condition of the buildings,
7 grounds, and all other property pertaining to those facilities; and all other matters
8 pertaining to the usefulness and management of those facilities; and recommend to
9 the officers in charge such changes and additional provisions as the department
10 considers proper.

11 **(3) FREQUENCY OF INSPECTIONS.** The department shall inspect and investigate
12 each shelter care facility at least annually and, when directed by the governor, the
13 department shall conduct a special investigation into a shelter care facility's
14 management, or anything connected with its management, and report to the
15 governor the testimony taken, the facts found, and conclusions drawn.

16 **(4) ENFORCEMENT BY ATTORNEY GENERAL AND DISTRICT ATTORNEYS.** Upon request
17 of the department, the attorney general or the district attorney of the proper county
18 shall aid in any investigation, inspection, hearing, or trial had under the provisions
19 of this chapter relating to powers of the department, and shall institute and
20 prosecute all necessary actions or proceedings for the enforcement of those
21 provisions and for the punishment of violations of those provisions. The attorney
22 general or district attorney so requested shall report or confer with the department
23 regarding the request, within 30 days after the receipt of the request.

24 **(5) OPPORTUNITY TO INSPECT.** All trustees, managers, directors,
25 superintendents, and other officers or employees of a shelter care facility shall at all

SENATE BILL 40**SECTION 1319**

1 times afford to every member of the department and its agents unrestrained facility
2 for inspection of and free access to all parts of the buildings and grounds and to all
3 books and papers of the shelter care facility, and shall give, either verbally or in
4 writing, such information as the department requires. Any person who violates this
5 subsection shall forfeit not less than \$10 nor more than \$100.

6 **(6) TESTIMONIAL POWER; EXPENSES.** The department or any person delegated by
7 the department may administer oaths, take testimony, and cause depositions to be
8 taken. All expenses of the investigations, including fees of officers and witnesses,
9 shall be charged to the appropriation for the department.

10 **(7) STATISTICS TO BE FURNISHED.** Whenever the department is required to collect
11 statistics, the person or agency shall furnish the required statistics on request.

12 **SECTION 1320.** 48.578 of the statutes is created to read:

13 **48.578 Shelter care facilities; establishment, approval, inspection. (1)**

14 The department shall fix reasonable standards and regulations for the design,
15 construction, repair, and maintenance of shelter care facilities, with respect to their
16 adequacy and fitness for the needs that they are to serve.

17 **(2)** The selection and purchase of the site, and the plans, specifications, and
18 erection of buildings for shelter care facilities shall be subject to the review and
19 approval of the department. Department review shall include review of the proposed
20 program to be carried out by the shelter care facility.

21 **(3)** Before any shelter care facility is occupied, and at least annually thereafter,
22 the department shall inspect the shelter care facility, with respect to safety,
23 sanitation, adequacy, and fitness, and report to the authorities managing the shelter
24 care facility any deficiency found, and order the necessary work to correct that
25 deficiency. If within 6 months after the inspection the work is not commenced, or not

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1 completed within a reasonable period after commencement of the work, to the
2 satisfaction of the department, the department shall suspend the allowance of state
3 aid for, and prohibit the use of the shelter care facility, until the order is complied
4 with.

5 **SECTION 1321.** 48.60 (3) of the statutes is amended to read:

6 48.60 (3) Before issuing or continuing any license to a child welfare agency
7 under this section, the department of health and family services shall review the
8 need for the additional placement resources that would be made available by
9 licensing or continuing the license of any child welfare agency after August 5, 1973,
10 providing care authorized under s. 48.61 (3). Neither the department of health and
11 family services nor the department of corrections may make any placements to any
12 child welfare agency where the departmental review required under this subsection
13 has failed to indicate the need for the additional placement resources.

14 **SECTION 1322.** 48.62 (4) of the statutes is amended to read:

15 48.62 (4) Monthly payments in foster care shall be provided according to the
16 age-related rates specified in this subsection. Beginning on January 1, 2006, the
17 age-related rates are \$317 for a child under 5 years of age; \$346 for a child 5 to 11
18 years of age; \$394 for a child 12 to 14 years of age; and \$411 2008, the age-related
19 rates are \$333 for a child under 5 years of age; \$363 for a child 5 to 11 years of age;
20 \$414 for a child 12 to 14 years of age; and \$432 for a child 15 years of age or over.
21 Beginning on January 1, 2009, the age-related rates are \$349 for a child under 5
22 years of age; \$381 for a child 5 to 11 years of age; \$433 for a child 12 to 14 years of
23 age; and \$452 for a child 15 years of age or over. In addition to these grants for basic
24 maintenance, the department shall make supplemental payments for special needs,

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1 exceptional circumstances, care in a treatment foster home, and initial clothing
2 allowances according to rules promulgated by the department.

3 **SECTION 1323.** 48.62 (5) (d) of the statutes is amended to read:

4 48.62 (5) (d) The department shall request from the secretary of the federal
5 department of health and human services a waiver of the requirements under 42
6 USC 670 to 679a that would authorize the state to receive federal foster care and
7 adoption assistance reimbursement under 42 USC 670 to 679a for the costs of
8 providing care for a child who is in the care of a guardian who was licensed as the
9 child's foster parent or treatment foster parent before the guardianship appointment
10 and who has entered into a subsidized guardianship agreement with the county
11 department or department. If the waiver is approved for a county having a
12 population of 500,000 or more, the department shall provide the monthly payments
13 under par. (a) from the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cx), (gx), (kw),
14 and (mx). If the waiver is approved for any other county, the department shall
15 determine which counties are authorized to provide monthly payments under par.
16 (a) or (b), and the county departments of those counties shall provide those payments
17 from moneys received under s. ~~46.495~~ 48.569 (1) (d).

18 **SECTION 1324.** 48.627 (2) (c) of the statutes is amended to read:

19 48.627 (2) (c) The department shall conduct a study to determine the
20 cost-effectiveness of purchasing insurance to provide standard homeowner's or
21 renter's liability insurance coverage for applicants who are granted a waiver under
22 par. (b). If the department determines that it would be cost-effective to purchase
23 such insurance, it may purchase the insurance from the appropriations under s.
24 ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

25 **SECTION 1325.** 48.627 (2c) of the statutes is amended to read:

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1 48.627 **(2c)** The department shall determine the cost-effectiveness of
2 purchasing private insurance that would provide coverage to foster, treatment foster,
3 and family-operated group home parents for acts or omissions by or affecting a child
4 who is placed in a foster home, a treatment foster home, or a family-operated group
5 home. If this private insurance is cost-effective and available, the department shall
6 purchase the insurance from the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf)
7 and (pd). If the insurance is unavailable, payment of claims for acts or omissions by
8 or affecting a child who is placed in a foster home, a treatment foster home, or a
9 family-operated group home shall be in accordance with subs. (2m) to (3).

10 **SECTION 1326.** 48.627 (2m) of the statutes is amended to read:

11 48.627 **(2m)** Within the limits of the appropriations under s. ~~20.435 (3)~~ 20.437
12 (1) (cf) and (pd), the department shall pay claims to the extent not covered by any
13 other insurance and subject to the limitations specified in sub. (3), for bodily injury
14 or property damage sustained by a licensed foster, treatment foster, or
15 family-operated group home parent or a member of the foster, treatment foster, or
16 family-operated group home parent's family as a result of the act of a child in the
17 foster, treatment foster, or family-operated group home parent's care.

18 **SECTION 1327.** 48.627 (2s) (intro.) of the statutes is amended to read:

19 48.627 **(2s)** (intro.) Within the limits of the appropriations under s. ~~20.435 (3)~~
20 20.437 (1) (cf) and (pd), the department may pay claims to the extent not covered by
21 any other insurance and subject to the limitations specified in sub. (3), for all of the
22 following:

23 **SECTION 1328.** 48.627 (3) (f) of the statutes is amended to read:

24 48.627 **(3)** (f) If the total amount of the claims approved during any calendar
25 quarter exceeds 25% of the total funds available during the fiscal year for purposes

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1 of this subsection plus any unencumbered funds remaining from the previous
2 quarter, the department shall prorate the available funds among the claimants with
3 approved claims. The department shall also prorate any unencumbered funds
4 remaining in the appropriation under s. ~~20.435 (3)~~ 20.437 (1) (cf) at the end of each
5 fiscal year among the claimants whose claims were prorated during the fiscal year.
6 Payment of a prorated amount from unencumbered funds remaining at the end of
7 the fiscal year constitutes a complete payment of the claim for purposes of this
8 program, but does not prohibit a foster parent or treatment foster parent from
9 submitting a claim under s. 16.007 for the unpaid portion.

10 **SECTION 1329.** 48.627 (4) of the statutes is amended to read:

11 48.627 (4) Except as provided in s. 895.485, the department is not liable for any
12 act or omission by or affecting a child who is placed in a foster home, treatment foster
13 home, or family-operated group home, but shall, as provided in this section, pay
14 claims described under sub. (2m) and may pay claims described under sub. (2s) or
15 may purchase insurance to cover such claims as provided for under sub. (2c), within
16 the limits of the appropriations under s. ~~20.435 (3)~~ 20.437 (1) (cf) and (pd).

17 **SECTION 1330.** 48.63 (1) of the statutes is amended to read:

18 48.63 (1) Acting under court order or voluntary agreement, the child's parent
19 or guardian or the department of ~~health and family services~~, the department of
20 corrections, a county department, or a child welfare agency licensed to place children
21 in foster homes, treatment foster homes, or group homes may place a child or
22 negotiate or act as intermediary for the placement of a child in a foster home,
23 treatment foster home, or group home. Voluntary agreements under this subsection
24 may not be used for placements in facilities other than foster, treatment foster, or
25 group homes and may not be extended. A foster home or treatment foster home

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1 placement under a voluntary agreement may not exceed 180 days from the date on
2 which the child was removed from the home under the voluntary agreement. A group
3 home placement under a voluntary agreement may not exceed 15 days from the date
4 on which the child was removed from the home under the voluntary agreement,
5 except as provided in sub. (5). These time limitations do not apply to placements
6 made under s. 48.345, 938.183, 938.34, or 938.345. Voluntary agreements may be
7 made only under this subsection and sub. (5) (b) and shall be in writing and shall
8 specifically state that the agreement may be terminated at any time by the parent
9 or guardian or by the child if the child's consent to the agreement is required. The
10 child's consent to the agreement is required whenever the child is 12 years of age or
11 older. If a county department, the department, or the department of corrections
12 places a child or negotiates or acts as intermediary for the placement of a child under
13 this subsection, the voluntary agreement shall also specifically state that the county
14 department, department, or department of corrections has placement and care
15 responsibility for the child as required under 42 USC 672 (a) (2) and has primary
16 responsibility for providing services to the child.

17 **SECTION 1331.** 48.64 (1) of the statutes is amended to read:

18 48.64 (1) DEFINITION. In this section, "agency" means the department of health
19 and family services, the department of corrections, a county department, or a
20 licensed child welfare agency authorized to place children in foster homes, treatment
21 foster homes, or group homes.

22 **SECTION 1332.** 48.651 (1) (intro.) of the statutes is amended to read:

23 48.651 (1) (intro.) Each county department shall certify, according to the
24 standards adopted by the department of workforce development under s. 49.155 (1d),
25 each day care provider reimbursed for child care services provided to families

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1 determined eligible under s. 49.155, unless the provider is a day care center licensed
2 under s. 48.65 or is established or contracted for under s. 120.13 (14). Each county
3 may charge a fee to cover the costs of certification. To be certified under this section,
4 a person must meet the minimum requirements for certification established by the
5 department of ~~workforce development~~ under s. 49.155 (1d), meet the requirements
6 specified in s. 48.685 and pay the fee specified in this section. The county shall certify
7 the following categories of day care providers:

8 **SECTION 1333.** 48.651 (1) (a) of the statutes is amended to read:

9 48.651 (1) (a) Level I certified family day care providers, as established by the
10 department of ~~workforce development~~ under s. 49.155 (1d). No county may certify
11 a provider under this paragraph if the provider is a relative of all of the children for
12 whom he or she provides care.

13 **SECTION 1334.** 48.651 (1) (b) of the statutes is amended to read:

14 48.651 (1) (b) Level II certified family day care providers, as established by the
15 department of ~~workforce development~~, under s. 49.155 (1d).

16 **SECTION 1335.** 48.651 (2m) of the statutes is amended to read:

17 48.651 (2m) Each county department shall provide the department of health
18 and family services with information about each person who is denied certification
19 for a reason specified in s. 48.685 (4m) (a) 1. to 5.

20 **SECTION 1336.** 48.658 of the statutes is created to read:

21 **48.658 Child care quality rating system.** The department of workforce
22 development shall provide a child care quality rating system that rates the quality
23 of the child care provided by a child care provider licensed under s. 48.65 that receives
24 reimbursement under s. 49.155 for the child care provided or that volunteers for
25 rating under this section. The department of workforce development shall make the

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1 rating information provided under that system available to the parents, guardians,
2 and legal custodians of children who are recipients, or prospective recipients, of care
3 and supervision from a child care provider that is rated under this section, including
4 making that information available on the department of workforce development's
5 Internet site.

6 **SECTION 1337.** 48.658 of the statutes, as created by 2007 Wisconsin Act (this
7 act), is amended to read:

8 **48.658 Child care quality rating system.** The department of workforce
9 development shall provide a child care quality rating system that rates the quality
10 of the child care provided by a child care provider licensed under s. 48.65 that receives
11 reimbursement under s. 49.155 for the child care provided or that volunteers for
12 rating under this section. The department of workforce development shall make the
13 rating information provided under that system available to the parents, guardians,
14 and legal custodians of children who are recipients, or prospective recipients, of care
15 and supervision from a child care provider that is rated under this section, including
16 making that information available on the ~~department of workforce development's~~
17 department's Internet site.

18 **SECTION 1338.** 48.66 (1) (a) of the statutes is amended to read:

19 48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall
20 license and supervise child welfare agencies, as required by s. 48.60, group homes,
21 as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care
22 centers, as required by s. 48.65. The department may license foster homes or
23 treatment foster homes, as provided by s. 48.62, and may license and supervise
24 county departments in accordance with the procedures specified in this section and
25 in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the

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1 records and visit the premises of all child welfare agencies, group homes, shelter care
2 facilities, and day care centers and visit the premises of all foster homes and
3 treatment foster homes in which children are placed.

4 **SECTION 1339.** 48.66 (2m) (a) 1. of the statutes is amended to read:

5 48.66 **(2m)** (a) 1. Except as provided in subd. 2., the department of ~~health and~~
6 ~~family services~~ shall require each applicant for a license under sub. (1) (a) to operate
7 a child welfare agency, group home, shelter care facility, or day care center who is an
8 individual to provide that department with the applicant's social security number,
9 and shall require each applicant for a license under sub. (1) (a) to operate a child
10 welfare agency, group home, shelter care facility, or day care center who is not an
11 individual to provide that department with the applicant's federal employer
12 identification number, when initially applying for or applying to continue the license.

13 **SECTION 1340.** 48.66 (2m) (a) 2. of the statutes is amended to read:

14 48.66 **(2m)** (a) 2. If an applicant who is an individual does not have a social
15 security number, the applicant shall submit a statement made or subscribed under
16 oath or affirmation to the department of ~~health and family services~~ that the
17 applicant does not have a social security number. The form of the statement shall
18 be prescribed by the department of ~~workforce development~~. A license issued in
19 reliance upon a false statement submitted under this subdivision is invalid.

20 **SECTION 1341.** 48.66 (2m) (am) 2. of the statutes is amended to read:

21 48.66 **(2m)** (am) 2. If an applicant who is an individual does not have a social
22 security number, the applicant shall submit a statement made or subscribed under
23 oath or affirmation to the department of corrections that the applicant does not have
24 a social security number. The form of the statement shall be prescribed by the

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1 department of workforce development. A license issued in reliance upon a false
2 statement submitted under this subdivision is invalid.

3 **SECTION 1342.** 48.66 (2m) (b) of the statutes is amended to read:

4 48.66 (2m) (b) If an applicant who is an individual fails to provide the
5 applicant's social security number to the department of health and family services
6 or if an applicant who is not an individual fails to provide the applicant's federal
7 employer identification number to ~~that~~ the department, that department may not
8 issue or continue a license under sub. (1) (a) to operate a child welfare agency, group
9 home, shelter care facility, or day care center to or for the applicant unless the
10 applicant is an individual who does not have a social security number and the
11 applicant submits a statement made or subscribed under oath or affirmation as
12 required under par. (a) 2.

13 **SECTION 1343.** 48.66 (2m) (c) of the statutes is amended to read:

14 48.66 (2m) (c) The subunit of the department of health and family services that
15 obtains a social security number or a federal employer identification number under
16 par. (a) 1. may not disclose any that information ~~obtained under par. (a) 1.~~ to any
17 person except to the department of revenue for the sole purpose of requesting
18 certifications under s. 73.0301 or on the request of the subunit of the department of
19 workforce development that administers the child and spousal support program
20 under s. 49.22 (2m).

21 **SECTION 1344.** 48.66 (2m) (cm) of the statutes is amended to read:

22 48.66 (2m) (cm) The department of corrections may not disclose any
23 information obtained under par. (am) 1. to any person except on the request of the
24 department of workforce development under s. 49.22 (2m).

25 **SECTION 1345.** 48.675 (3) (intro.) of the statutes is amended to read:

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1 48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from
2 the appropriation under s. ~~20.435 (6)~~ 20.437 (1) (a) to enable foster parents and
3 treatment foster parents to attend education programs approved under sub. (2) and
4 shall promulgate rules concerning disbursement of the funds. Moneys disbursed
5 under this subsection may be used for the following purposes:

6 **SECTION 1346.** 48.685 (1) (bg) of the statutes is repealed.

7 **SECTION 1347.** 48.685 (1) (d) of the statutes is repealed.

8 **SECTION 1348.** 48.685 (2) (am) 5. of the statutes is amended to read:

9 48.685 (2) (am) 5. Information maintained by the department of health and
10 family services under this section and under ss. 48.651 (2m), 48.75 (1m), and 120.13
11 (14) regarding any denial to the person of a license, continuation or renewal of a
12 license, certification, or a contract to operate an entity for a reason specified in sub.
13 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract
14 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to
15 5. If the information obtained under this subdivision indicates that the person has
16 been denied a license, continuation or renewal of a license, certification, a contract,
17 employment, or permission to reside as described in this subdivision, the
18 department, a county department, a child welfare agency or a school board need not
19 obtain the information specified in subds. 1. to 4.

20 **SECTION 1349.** 48.685 (2) (b) 1. (intro.) of the statutes is amended to read:

21 48.685 (2) (b) 1. (intro.) Every entity shall obtain all of the following with
22 respect to a caregiver specified in sub. (1) (ag) 1. a. of the entity:

23 **SECTION 1350.** 48.685 (2) (b) 1. e. of the statutes is amended to read:

24 48.685 (2) (b) 1. e. Information maintained by the department of health and
25 family services under this section and under ss. 48.651 (2m), 48.75 (1m), and 120.13

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1 (14) regarding any denial to the person of a license, continuation or renewal of a
2 license, certification, or a contract to operate an entity for a reason specified in sub.
3 (4m) (a) 1. to 5. and regarding any denial to the person of employment at, a contract
4 with, or permission to reside at an entity for a reason specified in sub. (4m) (b) 1. to
5 5. If the information obtained under this subd. 1. e. indicates that the person has
6 been denied a license, continuation or renewal of a license, certification, a contract,
7 employment, or permission to reside as described in this subd. 1. e., the entity need
8 not obtain the information specified in subd. 1. a. to d.

9 **SECTION 1351.** 48.685 (2) (c) of the statutes is created to read:

10 48.685 (2) (c) 1. If the person who is the subject of the search under par. (am)
11 is seeking an initial license to operate a foster home or treatment foster home or is
12 seeking relicensure after a break in licensure, the department, county department,
13 or child welfare agency shall request under 42 USC 16962 (b) a fingerprint-based
14 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
15 (A). The department, county department, or child welfare agency may release any
16 information obtained under this subdivision only as permitted under 42 USC 16962
17 (e).

18 2. If the person who is the subject of the search under par. (am) is seeking a
19 license to operate a foster home or treatment foster home or is an adult nonclient
20 resident of the foster home or treatment foster home and if the person is not, or at
21 any time within the 5 years preceding the date of the search has not been, a resident
22 of this state, the department, county department, or child welfare agency shall check
23 any child abuse or neglect registry maintained by any state or other U.S. jurisdiction
24 in which the person is a resident or was a resident within those 5 years for
25 information that is equivalent to the information specified in par. (am) 4. The

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1 department, county department, or child welfare agency may not use any
2 information obtained under this subdivision for any purpose other than a search of
3 the person's background under par. (am).

4 **SECTION 1352.** 48.685 (3) (a) of the statutes is amended to read:

5 48.685 (3) (a) Every 4 years or at any time within that period that the
6 department, a county department, a child welfare agency, or a school board considers
7 appropriate, the department, county department, child welfare agency, or school
8 board shall request the information specified in sub. (2) (am) 1. to 5. for all persons
9 caregivers specified in sub. (1) (ag) 1. b. who are licensed, certified, or contracted to
10 operate an entity, for all persons who are nonclient residents of an entity such a
11 caregiver, and for all persons under 18 years of age, but not under 12 years of age,
12 who are caregivers of a day care center that is licensed under s. 48.65 or established
13 or contracted for under s. 120.13 (4) or of a day care provider that is certified under
14 s. 48.651.

15 **SECTION 1353.** 48.685 (3) (b) of the statutes is amended to read:

16 48.685 (3) (b) Every 4 years or at any time within that period that an entity
17 considers appropriate, the entity shall request the information specified in sub. (2)
18 (b) 1. a. to e. for all persons who are caregivers specified in sub. (1) (ag) 1. a. of the
19 entity other than persons under 18 years of age, but not under 12 years of age, who
20 are caregivers of a day care center that is licensed under s. 48.65 or established or
21 contracted for under s. 120.13 (14) or of a day care provider that is certified under s.
22 48.651.

23 **SECTION 1354.** 48.685 (4m) (b) (intro.) of the statutes is amended to read:

24 48.685 (4m) (b) (intro.) Notwithstanding s. 111.335, and except as provided in
25 sub. (5), an entity may not employ or contract with a caregiver specified in sub. (1)

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1 (ag) 1. a. or permit a nonclient resident to reside at the entity if the entity knows or
2 should have known any of the following:

3 **SECTION 1355.** 48.685 (5) (a) of the statutes is amended to read:

4 48.685 (5) (a) The Subject to par. (bm), the department may license to operate
5 an entity, a county department may certify under s. 48.651, a county department or
6 a child welfare agency may license under s. 48.62 and a school board may contract
7 with under s. 120.13 (14) a person who otherwise may not be licensed, certified or
8 contracted with for a reason specified in sub. (4m) (a) 1. to 5., and an entity may
9 employ, contract with, or permit to reside at the entity a person who otherwise may
10 not be employed, contracted with, or permitted to reside at the entity for a reason
11 specified in sub. (4m) (b) 1. to 5., if the person demonstrates to the department, the
12 county department, the child welfare agency, or the school board or, in the case of an
13 entity that is located within the boundaries of a reservation, to the person or body
14 designated by the tribe under sub. (5d) (a) 3., by clear and convincing evidence and
15 in accordance with procedures established by the department by rule or by the tribe
16 that he or she has been rehabilitated.

17 **SECTION 1356.** 48.685 (5) (bm) (intro.) of the statutes is amended to read:

18 48.685 (5) (bm) (intro.) For purposes of licensing a foster home or treatment
19 foster home for the placement of a child on whose behalf foster care maintenance
20 payments under s. 48.62 (4) will be provided, no person who has been convicted of
21 any of the following offenses may be permitted to demonstrate that he or she has been
22 rehabilitated:

23 **SECTION 1357.** 48.685 (5c) (a) of the statutes is amended to read:

24 48.685 (5c) (a) Any person who is permitted but fails under sub. (5) (a) to
25 demonstrate to the department or a child welfare agency that he or she has been

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1 rehabilitated may appeal to the secretary of ~~health and family services~~ or his or her
2 designee. Any person who is adversely affected by a decision of the secretary or his
3 or her designee under this paragraph has a right to a contested case hearing under
4 ch. 227.

5 **SECTION 1358.** 48.685 (8) of the statutes is amended to read:

6 48.685 (8) The department, the department of health and family services, a
7 county department, a child welfare agency, or a school board may charge a fee for
8 obtaining the information required under sub. (2) (am) or (3) (a) or for providing
9 information to an entity to enable the entity to comply with sub. (2) (b) 1. or (3) (b).
10 The fee may not exceed the reasonable cost of obtaining the information. No fee may
11 be charged to a nurse's assistant, as defined in s. 146.40 (1) (d), for obtaining or
12 maintaining information if to do so would be inconsistent with federal law.

13 **SECTION 1359.** 48.715 (6) of the statutes is amended to read:

14 48.715 (6) The department of ~~health and family services~~ shall deny, suspend,
15 restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1) (a) or a
16 probationary license under s. 48.69 to operate a child welfare agency, group home,
17 shelter care facility, or day care center, and the department of corrections shall deny,
18 suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66 (1)
19 (b) to operate a secured residential care center for children and youth, for failure of
20 the applicant or licensee to pay court-ordered payments of child or family support,
21 maintenance, birth expenses, medical expenses, or other expenses related to the
22 support of a child or former spouse or for failure of the applicant or licensee to comply,
23 after appropriate notice, with a subpoena or warrant issued by the department of
24 ~~workforce development~~ or a county child support agency under s. 59.53 (5) and
25 related to paternity or child support proceedings, as provided in a memorandum of

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1 understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action
2 taken under this subsection is subject to review only as provided in the memorandum
3 of understanding entered into under s. 49.857 and not as provided in s. 48.72.

4 **SECTION 1360.** 48.743 of the statutes is created to read:

5 **48.743 Community living arrangements for children. (1)** In this section,
6 “community living arrangement for children” means a residential care center for
7 children and youth or a group home.

8 **(2)** Community living arrangements for children shall be subject to the same
9 building and housing ordinances, codes, and regulations of the municipality or
10 county as similar residences located in the area in which the facility is located.

11 **(3)** The department shall designate a subunit to keep records and supply
12 information on community living arrangements for children under ss. 59.69 (15) (f),
13 60.63 (7), and 62.23 (7) (i) 6. The subunit shall be responsible for receiving all
14 complaints regarding community living arrangements for children and for
15 coordinating all necessary investigatory and disciplinary actions under the laws of
16 this state and under the rules of the department relating to the licensing of
17 community living arrangements for children.

18 **(4)** A community living arrangement for children with a capacity for 8 or fewer
19 persons shall be a permissible use for purposes of any deed covenant which limits use
20 of property to single-family or 2-family residences. A community living
21 arrangement for children with a capacity for 15 or fewer persons shall be a
22 permissible use for purposes of any deed covenant which limits use of property to
23 more than 2-family residences. Covenants in deeds which expressly prohibit use of
24 property for community living arrangements for children are void as against public
25 policy.

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1 **(5)** If a community living arrangement for children is required to obtain special
2 zoning permission, as defined in s. 59.69 (15) (g), the department shall, at the request
3 of the unit of government responsible for granting the special zoning permission,
4 inspect the proposed facility and review the program proposed for the facility. After
5 such inspection and review, the department shall transmit to the unit of government
6 responsible for granting the special zoning permission a statement that the proposed
7 facility and its proposed program have been examined and are either approved or
8 disapproved by the department.

9 **SECTION 1361.** 48.745 (5) of the statutes is amended to read:

10 48.745 **(5)** If the county department designates the department to receive
11 formal complaints, the subunit under s. ~~46.03 (22) (c)~~ 48.743 (3) shall receive the
12 complaints and the department shall have all the powers and duties granted to the
13 county department in this section.

14 **SECTION 1362.** 48.75 (1g) (c) 1. of the statutes is amended to read:

15 48.75 **(1g)** (c) 1. A statement that the public licensing agency issuing the license
16 ~~is responsible~~ has placement and care responsibility for the child as required under
17 42 USC 672 (a) (2) and has primary responsibility for providing services to the child
18 who is placed in the foster home, as specified in the agreement.

19 **SECTION 1363.** 48.75 (1m) of the statutes is amended to read:

20 48.75 **(1m)** Each child welfare agency and public licensing agency shall provide
21 ~~the subunit of the department that administers s. 48.685~~ of health and family
22 services with information about each person who is denied a license for a reason
23 specified in s. 48.685 (4m) (a) 1. to 5.

24 **SECTION 1364.** 48.78 (2) (h) of the statutes is amended to read:

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1 48.78 (2) (h) Paragraph (a) does not prohibit the department, a county
2 department, or a licensed child welfare agency from entering the content of any
3 record kept or information received by the department, county department, or
4 licensed child welfare agency into the statewide automated child welfare
5 information system established under s. 46.03 ~~48.47~~ (7g).

6 **SECTION 1365.** 48.839 (1) (d) of the statutes is amended to read:

7 48.839 (1) (d) If custody of the child is transferred under sub. (4) (b) to a county
8 department or child welfare agency before the child is adopted, the department shall
9 periodically bill the guardian and the surety under s. 46.03 ~~(18) (b)~~ or 46.10 ~~49.32 (1)~~
10 ~~(b)~~ or ~~49.345~~ for the cost of care and maintenance of the child until the child is adopted
11 or becomes age 18, whichever is earlier. The guardian and surety shall also be liable
12 under the bond for costs incurred by the department in enforcing the bond against
13 the guardian and surety.

14 **SECTION 1366.** 48.839 (1) (e) of the statutes is amended to read:

15 48.839 (1) (e) This section does not preclude the department or any other
16 agency given custody of a child under sub. (4) (b) from collecting under s. 46.03 ~~(18)~~
17 ~~(b)~~ or 46.10 ~~49.32 (1) (b)~~ or ~~49.345~~ from the former guardian for costs in excess of the
18 amount recovered under the bond incurred in enforcing the bond and providing care
19 and maintenance for the child until he or she reaches age 18 or is adopted.

20 **SECTION 1367.** 48.88 (2) (am) of the statutes is created to read:

21 48.88 (2) (am) 1. If the petitioner was required to obtain an initial license to
22 operate a foster home or treatment foster home before placement of the child for
23 adoption or relicensure after a break in licensure, the agency making the
24 investigation shall obtain a criminal history search from the records maintained by
25 the department of justice and request under 42 USC 16962 (b) a fingerprint-based

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1 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
2 (A), with respect to the petitioner. The agency may release any information obtained
3 under this subdivision only as permitted under 42 USC 16962 (e). In the case of a
4 child on whose behalf adoption assistance payments will be provided under s. 48.975,
5 if the petitioner has been convicted of any of the offenses specified in s. 48.685 (5) (bm)
6 1. to 4., the agency may not report that the petitioner's home is suitable for the child.

7 2. If the petitioner was required to obtain a license to operate a foster home or
8 treatment foster home before placement of the child for adoption, the agency making
9 the investigation shall obtain information maintained by the department regarding
10 any substantiated reports of child abuse or neglect against the petitioner and any
11 other adult residing in the petitioner's home. If the petitioner or other adult residing
12 in the petitioner's home is not, or at any time within the 5 years preceding the date
13 of the search has not been, a resident of this state, the agency shall check any child
14 abuse or neglect registry maintained by any state or other U.S. jurisdiction in which
15 the petitioner or other adult is a resident or was a resident within those 5 years for
16 information that is equivalent to the information maintained by the department
17 regarding substantiated reports of child abuse or neglect. The agency may not use
18 any information obtained under this subdivision for any purpose other than a
19 background search under this subdivision.

20 **SECTION 1368.** 48.93 (1d) of the statutes is amended to read:

21 48.93 (1d) All records and papers pertaining to an adoption proceeding shall
22 be kept in a separate locked file and may not be disclosed except under sub. (1g) or
23 (1r), s. ~~46.03 (29)~~, 48.432, 48.433, 48.434, 48.48 (17) (a) 9. or 48.57 (1) (j), or by order
24 of the court for good cause shown.

25 **SECTION 1369.** 48.98 (2) (d) of the statutes is amended to read:

SENATE BILL 40**SECTION 1369**

1 48.98 (2) (d) The department shall periodically bill the person who filed the
2 bond and the surety under s. ~~46.03 (18) (b) or 46.10~~ 49.32 (1) (b) or 49.345 for the cost
3 of care and maintenance of the child until the child is adopted or becomes age 18,
4 whichever is earlier. The guardian and surety shall also be liable under the bond for
5 costs incurred by the department in enforcing the bond.

6 **SECTION 1370.** 48.981 (3) (c) 8. of the statutes is amended to read:

7 48.981 (3) (c) 8. Using the format prescribed by the department, each county
8 department shall provide the department with information about each report that
9 the county department receives or that is received by a licensed child welfare agency
10 that is under contract with the county department and about each investigation that
11 the county department or a licensed child welfare agency under contract with the
12 county department conducts. Using the format prescribed by the department, a
13 licensed child welfare agency under contract with the department shall provide the
14 department with information about each report that the child welfare agency
15 receives and about each investigation that the child welfare agency conducts. This
16 ~~information shall be used by the~~ The department shall use the information to
17 monitor services provided by county departments or licensed child welfare agencies
18 under contract with county departments or the department. The department shall
19 use nonidentifying information to maintain statewide statistics on child abuse and
20 neglect and on unborn child abuse, and for planning and policy development
21 purposes.

22 **SECTION 1371.** 48.981 (7) (dm) of the statutes is amended to read:

23 48.981 (7) (dm) Notwithstanding par. (a), an agency may enter the content of
24 any report or record maintained by the agency into the statewide automated child
25 welfare information system established under s. ~~46.03~~ 48.47 (7g).

SENATE BILL 40**SECTION 1372**

1 **SECTION 1372.** 48.981 (8) (a) of the statutes is amended to read:

2 48.981 **(8)** (a) The department, the county departments, and a licensed child
3 welfare agency under contract with the department in a county having a population
4 of 500,000 or more to the extent feasible shall conduct continuing education and
5 training programs for staff of the department, the county departments, licensed
6 child welfare agencies under contract with the department or a county department,
7 law enforcement agencies, and the tribal social services departments, persons and
8 officials required to report, the general public, and others as appropriate. The
9 programs shall be designed to encourage reporting of child abuse and neglect and of
10 unborn child abuse, to encourage self-reporting and voluntary acceptance of services
11 and to improve communication, cooperation, and coordination in the identification,
12 prevention, and treatment of child abuse and neglect and of unborn child abuse.
13 Programs provided for staff of the department, county departments, and licensed
14 child welfare agencies under contract with county departments or the department
15 whose responsibilities include the investigation or treatment of child abuse or
16 neglect shall also be designed to provide information on means of recognizing and
17 appropriately responding to domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a). The
18 department, the county departments, and a licensed child welfare agency under
19 contract with the department in a county having a population of 500,000 or more
20 shall develop public information programs about child abuse and neglect and about
21 unborn child abuse.

22 **SECTION 1373.** 48.981 (8) (d) 1. of the statutes is amended to read:

23 48.981 **(8)** (d) 1. Each agency staff member and supervisor whose
24 responsibilities include investigation or treatment of child abuse and neglect or of
25 unborn child abuse shall successfully complete training in child abuse and neglect

SENATE BILL 40**SECTION 1373**

1 protective services and in unborn child abuse protective services approved by the
2 department. The training shall include information on means of recognizing and
3 appropriately responding to domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a). The
4 department shall monitor compliance with this subdivision according to rules
5 promulgated by the department.

6 **SECTION 1374.** 48.982 (2) (g) (intro.) of the statutes is amended to read:

7 48.982 (2) (g) (intro.) In coordination with the ~~departments of health and family~~
8 ~~services and department and the department of~~ public instruction:

9 **SECTION 1375.** 48.982 (2e) (c) of the statutes is repealed.

10 **SECTION 1376.** 48.983 (1) (i) of the statutes, as affected by 2007 Wisconsin Act
11 (this act), is repealed.

12 **SECTION 1377.** 48.983 (1) (j) of the statutes, as affected by 2007 Wisconsin Act
13 (this act), is repealed.

14 **SECTION 1378.** 48.983 (2) of the statutes, as affected by 2007 Wisconsin Act
15 (this act), is amended to read:

16 48.983 (2) FUNDS PROVIDED. If a county or Indian tribe applies and is selected
17 by the department under sub. (5) to participate in the program under this section,
18 the department shall award, from the appropriation under s. 20.437 (2) (ab), a grant
19 annually to be used only for the purposes specified in sub. (4) (a) and (am). The
20 minimum amount of a grant is \$10,000. The department shall determine the amount
21 of a grant awarded to a county, ~~other than a county with a population of 500,000 or~~
22 ~~more,~~ or Indian tribe in excess of the minimum amount based on the number of births
23 that are funded by medical assistance under subch. IV of ch. 49 in that county or the
24 reservation of that Indian tribe ~~in proportion to the number of births that are funded~~
25 ~~by medical assistance under subch. IV of ch. 49 in all of the counties and the~~

SENATE BILL 40**SECTION 1378**

1 ~~reservations of all of the Indian tribes to which grants are awarded under this~~
2 ~~section. The department shall determine the amount of a grant awarded to a county~~
3 ~~with a population of 500,000 or more in excess of the minimum amount based on 60%~~
4 ~~of the number of births that are funded by medical assistance under subch. IV of ch.~~
5 ~~49 in that county in proportion to the number of births that are funded by medical~~
6 ~~assistance under subch. IV of ch. 49 in all of the counties and the reservations of all~~
7 ~~of the Indian tribes to which grants are awarded under this section.~~

8 **SECTION 1379.** 48.983 (3) (title) of the statutes, as affected by 2007 Wisconsin
9 Act (this act), is repealed.

10 **SECTION 1380.** 48.983 (3) (a) of the statutes, as affected by 2007 Wisconsin Act
11 (this act), is repealed.

12 **SECTION 1381.** 48.983 (3) (b) of the statutes, as affected by 2007 Wisconsin Act
13 (this act), is renumbered 48.983 (3) and amended to read:

14 **48.983 (3) JOINT APPLICATION PERMITTED.** Two or more counties and Indian tribes
15 may submit a joint application to the department. ~~Each county or Indian tribe in a~~
16 ~~joint application shall be counted as a separate county or Indian tribe for the purpose~~
17 ~~of limiting the number of counties and Indian tribes selected in each state fiscal~~
18 ~~biennium.~~

19 **SECTION 1382.** 48.984 of the statutes is created to read:

20 **48.984 Universal home visitation services. (1) DEFINITIONS.** In this
21 section:

22 (a) “County department” means a county department of human services or
23 social services under s. 46.215, 46.22, or 46.23.

24 (b) “Indian tribe” means a federally recognized American Indian tribe or band
25 in this state.

SENATE BILL 40**SECTION 1382**

1 (c) “Local health department” has the meaning given in s. 250.01 (4).

2 (d) “Local partnership” means any combination of 2 or more county
3 departments, local health departments, Indian tribes, and private nonprofit
4 agencies that have agreed to implement jointly a program of universal home
5 visitation services under this section.

6 (e) “Organization” means a county department, local health department,
7 Indian tribe, private nonprofit agency, or local partnership.

8 (f) “Private nonprofit agency” means a nonstock corporation organized under
9 ch. 181 that is a nonprofit corporation, as defined in s. 181.0103 (17).

10 **(2)** AWARDING OF GRANTS. From the appropriation account under s. 20.437 (2)
11 (ab), the department shall award grants to applying organizations for the provision
12 of the home visitation services specified in sub. (3) (a). The department shall
13 determine the amount of a grant awarded to an organization based on the number
14 of first-time births in the community served by the organization. The department
15 shall provide competitive application procedures for selecting organizations to
16 receive grants under this subsection and shall establish a method for ranking
17 applicants based on the quality of their applications. The department shall require
18 a grant recipient to provide matching funds or in-kind contributions as determined
19 by the department and shall ensure that a grant recipient does not use any grant
20 moneys awarded to supplant any other moneys used by the grant recipient at the
21 time of the awarding of the grant to provide home visitation services.

22 **(3)** PURPOSES OF GRANTS. (a) *Universal home visitation services.* An
23 organization that receives a grant under sub. (2) shall use the grant moneys awarded
24 to provide a one-time visit to all first-time parents in the community served by the
25 organization for the purposes of providing those parents with basic information

SENATE BILL 40**SECTION 1382**

1 regarding infant health and nutrition, the care, safety, and development of infants,
2 and emergency services for infants and with the information relating to shaken baby
3 syndrome and impacted babies required under s. 253.15 (6); identifying the needs of
4 those parents; and providing those parents with referrals to programs, services, and
5 other resources that may meet those needs. An organization may visit a first-time
6 parent only if the parent or, if the parent is a child, his or her parent, guardian, or
7 legal custodian consents to the visit. No person who is required or permitted to report
8 suspected or threatened abuse or neglect under s. 48.981 (2) may make or threaten
9 to make such a report based on a refusal of a person to receive a home visit under this
10 paragraph.

11 (b) *Start-up costs and capacity building.* In the first year in which a grant
12 under sub. (2) is awarded to an organization, the organization may use a portion of
13 the grant to pay for start-up costs and capacity building related to the provision of
14 home visitation services by the organization. The department shall determine the
15 maximum amount of a grant that an organization may use to pay for those start-up
16 costs and that capacity building.

17 **(4) CONFIDENTIALITY.** (a) *Nondisclosure of information; exceptions.* No person
18 may use or disclose any information concerning an individual who is offered home
19 visitation services under sub. (3) (a), including an individual who declines to receive
20 those services, or concerning an individual who is provided with a referral under sub.
21 (3) (a), including an individual who declines the referral, unless disclosure of the
22 information is required or permitted under s. 48.981 (2), the use or disclosure of the
23 information is connected to the administration of the program under this section, or
24 the individual has given his or her written informed consent to the use or disclosure
25 of the information.

SENATE BILL 40**SECTION 1382**

1 (b) *Explanation of confidentiality requirements.* An organization that receives
2 a grant under sub. (2) shall provide or designate an individual or entity to provide
3 an explanation of the confidentiality requirements under par. (a) to each individual
4 who is offered home visitation services under sub. (3) (a) by the organization.

5 **(5) NOTIFICATION OF PARENT PRIOR TO MAKING ABUSE OR NEGLECT REPORT.** If a
6 person who is providing home visitation services under sub. (3) (a) determines that
7 he or she is required or permitted to make a report under s. 48.981 (2) about a child
8 in a family to which the person is providing those services, the person shall, prior to
9 making the report under s. 48.981 (2), make a reasonable effort to notify the child's
10 parent that a report under s. 48.981 (2) will be made and to encourage the parent to
11 contact a county department under s. 46.22 or 46.23 or, in a county having a
12 population of 500,000 or more, the department to request assistance. The
13 notification requirements under this subsection do not affect the reporting
14 requirements under s. 48.981 (2).

15 **(6) INFORMATIONAL MATERIALS.** Any informational materials about the home
16 visitation services provided under sub. (3) (a) that are distributed to a person who
17 is offered or who is receiving those services shall state the sources of funding for the
18 services.

19 **SECTION 1383.** 48.985 (1) of the statutes is amended to read:

20 48.985 **(1) FEDERAL PROGRAM OPERATIONS.** From the appropriation under s.
21 ~~20.435 (3)~~ 20.437 (1) (n), the department shall expend not more than \$273,700 in each
22 fiscal year of the moneys received under 42 USC 620 to 626 for the department's
23 expenses in connection with administering the expenditure of funds received under
24 42 USC 620 to 626 and for child abuse and neglect and unborn child abuse
25 independent investigations.

SENATE BILL 40**SECTION 1395**

1 49.11 (1) “Department” means the department of workforce development
2 children and families.

3 **SECTION 1396.** 49.11 (2) of the statutes is amended to read:

4 49.11 (2) “Secretary” means the secretary of workforce development children
5 and families.

6 **SECTION 1397.** 49.13 (title) of the statutes is renumbered 49.79 (9) (title).

7 **SECTION 1398.** 49.13 (1) of the statutes is repealed.

8 **SECTION 1399.** 49.13 (2) (a) of the statutes is renumbered 49.79 (9) (a) 1. and
9 amended to read:

10 49.79 (9) (a) 1. The department shall ~~contract with the department of health~~
11 ~~and family services as provided under s. 49.79 (10)~~ to administer an employment and
12 training program for recipients under the food stamp program and may contract
13 under s. 49.78 with county departments under ss. 46.215, 46.22, and 46.23, and with
14 tribal governing bodies to carry out the administrative functions. The department
15 may contract, or a county department or tribal governing body may subcontract, with
16 a Wisconsin works Works agency or another provider to administer the employment
17 and training program under this subsection. Except as provided in ~~pars. (b) and (bm)~~
18 subds. 2. and 3., the department may require able individuals who are 18 to 60 years
19 of age who are not participants in a Wisconsin works Works employment position to
20 participate in the employment and training program under this subsection.

21 **SECTION 1400.** 49.13 (2) (b) of the statutes is renumbered 49.79 (9) (a) 2. and
22 amended to read:

23 49.79 (9) (a) 2. The department may not require an individual who is a recipient
24 under the food stamp program and who is the caretaker of a child ~~who is~~ under the

SENATE BILL 40**SECTION 1400**

1 age of 12 weeks to participate in any employment and training program under par.
2 ~~(a)~~ this subsection.

3 **SECTION 1401.** 49.13 (2) (bm) of the statutes is renumbered 49.79 (9) (a) 3. and
4 amended to read:

5 49.79 (9) (a) 3. The department may not require an individual who is a recipient
6 under the food stamp program to participate in any employment and training
7 program under ~~par. (a)~~ this subsection if that individual is enrolled at least half time
8 in a school, as defined in s. 49.26 (1) (a) 2., a training program, or an institution of
9 higher education.

10 **SECTION 1402.** 49.13 (2) (cm) of the statutes is renumbered 49.79 (9) (a) 4.

11 **SECTION 1403.** 49.13 (2) (d) of the statutes is renumbered 49.79 (9) (a) 5. and
12 amended to read:

13 49.79 (9) (a) 5. A participant in an employment and training program under
14 this section ~~subsection~~ subsection administered by the department is an employee of the
15 department for purposes of worker's compensation coverage, except to the extent
16 that the person for whom the participant is performing work provides worker's
17 compensation coverage. A participant in an employment and training program
18 under this section ~~subsection~~ subsection administered by a Wisconsin works Works agency or
19 another provider is an employee of the Wisconsin works Works agency or other
20 provider for purposes of worker's compensation coverage, except to the extent that
21 the person for whom the participant is performing work provides worker's
22 compensation coverage.

23 **SECTION 1404.** 49.13 (3) (intro.) of the statutes is renumbered 49.79 (9) (b)
24 (intro.) and amended to read:

SENATE BILL 40**SECTION 1404**

1 49.79 (9) (b) (intro.) An individual who fails to comply with the work
2 requirements under ~~sub. (2) par.~~ (a) without good cause is ineligible to participate in
3 the food stamp program ~~under s. 49.79~~ as follows:

4 **SECTION 1405.** 49.13 (3) (a) of the statutes is renumbered 49.79 (9) (b) 1. and
5 amended to read:

6 49.79 (9) (b) 1. For the first occurrence of noncompliance, one month, or until
7 the person complies with the work requirements under ~~sub. (2) par.~~ (a), whichever
8 is later.

9 **SECTION 1406.** 49.13 (3) (b) of the statutes is renumbered 49.79 (9) (b) 2. and
10 amended to read:

11 49.79 (9) (b) 2. For the 2nd occurrence of noncompliance, 3 months, or until the
12 person complies with the work requirements under ~~sub. (2) par.~~ (a), whichever is
13 later.

14 **SECTION 1407.** 49.13 (3) (c) of the statutes is renumbered 49.79 (9) (b) 3. and
15 amended to read:

16 49.79 (9) (b) 3. For the 3rd and subsequent occurrences of noncompliance, 6
17 months, or until the person complies with the work requirements under ~~sub. (2) par.~~
18 (a), whichever is later.

19 **SECTION 1408.** 49.138 (1m) (intro.) of the statutes is amended to read:

20 49.138 (1m) (intro.) The department shall implement a program of emergency
21 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or
22 impending homelessness, or energy crisis. The department shall establish the
23 maximum amount of aid to be granted, except for cases of energy crisis, per family
24 member based on the funding available under s. ~~20.445 (3)~~ 20.437 (2) (dz) and (md).
25 The department need not establish the maximum amount by rule under ch. 227. The

SENATE BILL 40**SECTION 1408**

1 department shall publish the maximum amount and annual changes to it in the
2 Wisconsin administrative register. Emergency assistance provided to needy persons
3 under this section may only be provided to a needy person once in a 12-month period.
4 Emergency assistance provided to needy persons under this section in cases of
5 homelessness or impending homelessness may be used only to obtain or retain a
6 permanent living accommodation. For the purposes of this section, a family is
7 considered to be homeless, or to be facing impending homelessness, if any of the
8 following applies:

9 **SECTION 1409.** 49.143 (2) (b) of the statutes is amended to read:

10 49.143 (2) (b) Establish a children's services network. The children's services
11 network shall provide information about community resources available to the
12 dependent children in a Wisconsin works group, including charitable food and
13 clothing centers; subsidized and low-income housing; transportation subsidies; the
14 state supplemental food program for women, infants and children under s. ~~253.06~~
15 49.17; and child care programs. In a county having a population of 500,000 or more,
16 a children's services network shall, in addition, provide a forum for those persons
17 who are interested in the delivery of child welfare services and other services to
18 children and families in the geographical area under sub. (6) served by that
19 children's services network to communicate with and make recommendations to the
20 providers of those services in that geographical area with respect to the delivery of
21 those services in that area.

22 **SECTION 1410.** 49.147 (3m) of the statutes is created to read:

23 49.147 (3m) REAL WORK, REAL PAY PILOT PROJECT. (a) *Administration and*
24 *evaluation.* Except as provided in par. (d), the department shall conduct and

SENATE BILL 40**SECTION 1410**

1 evaluate a real work, real pay pilot project from January 1, 2008, to December 31,
2 2009.

3 (b) *Eligibility and project limits.* 1. Except as specifically provided in this
4 subsection, all general and nonfinancial eligibility requirements under s. 49.145
5 apply to participants under this subsection, and all requirements under sub. (3), as
6 they apply to Wisconsin Works agencies, employers, and participants, apply to
7 Wisconsin Works agencies, employers, and participants under this subsection.

8 2. The project shall be limited to 500 individuals and shall be conducted in at
9 least one of the geographical areas established by the department under s. 49.143 (6)
10 that is in Milwaukee County and in at least 2 of those geographical areas that are
11 not in Milwaukee County.

12 (c) *Employer subsidies and reimbursements.* The Wisconsin Works agency
13 shall pay an employer that employs a participant under this subsection a monthly
14 wage subsidy that does not exceed the federal minimum wage for no more than 30
15 hours of work per week. Worksite training activities prescribed by the employer that
16 are consistent with training provided to other employees at the worksite are
17 considered work for purposes of calculating the wage subsidy under this paragraph.
18 In addition to the wage subsidy, the Wisconsin Works agency shall reimburse the
19 employer for up to 100 percent of all of the following costs that are attributable to
20 employment of the participant:

- 21 1. Federal social security taxes.
- 22 2. State and federal unemployment contributions or taxes, if any.
- 23 3. Worker's compensation insurance premiums, if any.

24 (d) *Time-limited participation and payment extension.* An individual may
25 participate in the project under this subsection for a maximum of 6 months, with an

SENATE BILL 40**SECTION 1410**

1 opportunity for an extension of up to 3 months. Notwithstanding the ending date for
2 the project, payments under par. (c) for any participant who is accepted into the
3 project before December 31, 2009, shall be made until the participant completes his
4 or her 6-month participation period or any extension to it already commenced before
5 that date.

6 (e) *Mentors and stipends.* The Wisconsin Works agency and employer of a
7 participant under this subsection shall work together to find a mentor for the
8 participant at the participant's work site. The Wisconsin Works agency shall pay
9 each mentor a monthly stipend of \$50.

10 (f) *Employer effort to retain, refer, or evaluate participant.* An employer that
11 employs a participant under this subsection and receives a wage subsidy shall agree
12 to make a good faith effort to retain the participant as a permanent unsubsidized
13 employee after the wage subsidy ends if the participant successfully completes
14 participation in the project under this subsection. An employer shall also agree that,
15 if the employer does not retain a participant as a permanent unsubsidized employee,
16 the employer will serve as an employment reference for the participant or provide
17 to the Wisconsin Works agency a written performance evaluation of the participant,
18 including recommendations for improvements.

19 **SECTION 1411.** 49.147 (6) (c) of the statutes is amended to read:

20 49.147 (6) (c) *Distribution and administration.* From the appropriation under
21 s. ~~20.445 (3)~~ 20.437 (2) (jL), the department shall distribute funds for job access loans
22 to a Wisconsin Works agency, which shall administer the loans in accordance with
23 rules promulgated by the department.

24 **SECTION 1412.** 49.147 (6) (cm) 1. of the statutes is amended to read:

SENATE BILL 40**SECTION 1412**

1 49.147 **(6)** (cm) 1. The department of ~~workforce development~~ may, in the
2 manner provided in s. 49.85, collect job access loan repayments that are delinquent
3 under the terms of a repayment agreement. The department of ~~workforce~~
4 ~~development~~ shall credit all delinquent repayments collected by the department of
5 revenue as a setoff under s. 71.93 to the appropriation account under s. ~~20.445 (3)~~
6 20.437 (2) (jL). Use of the process under s. 49.85 does not preclude the department
7 of ~~workforce development~~ from collecting delinquent repayments through other
8 legal means.

9 **SECTION 1413.** 49.148 (1m) (title) of the statutes is amended to read:

10 49.148 **(1m)** (title) CUSTODIAL PARENT OF INFANT; UNMARRIED, PREGNANT WOMAN.

11 **SECTION 1414.** 49.148 (1m) (a) (intro.) of the statutes is created to read:

12 49.148 **(1m)** (a) (intro.) Any of the following may receive a monthly grant of
13 \$673:

14 **SECTION 1415.** 49.148 (1m) (a) of the statutes is renumbered 49.148 (1m) (a)
15 1. and amended to read:

16 49.148 **(1m)** (a) 1. ~~A~~ An individual who meets the eligibility requirements
17 under s. 49.145 (2) and (3) and who is a custodial parent of a child who is 12 26 weeks
18 old or less and who meets the eligibility requirements under s. 49.145 (2) and (3) may
19 receive a monthly grant of \$673, unless another adult member of the custodial
20 parent's Wisconsin works Works group is participating in, or is eligible to participate
21 in, a Wisconsin works Works employment position or is employed in unsubsidized
22 employment, as defined in s. 49.147 (1) (c).

23 **(bm)** A Wisconsin works Works agency may not require a participant under this
24 subsection to participate in any employment positions. ~~Receipt of a grant under this~~
25 ~~subsection does not constitute participation in a Wisconsin works employment~~

SENATE BILL 40**SECTION 1415**

1 ~~position for purposes of the time limits under s. 49.145 (2) (n) or 49.147 (3) (c), (4) (b)~~
2 ~~or (5) (b) 2. if the child is born to the participant not more than 10 months after the~~
3 ~~date that the participant was first determined to be eligible for assistance under s.~~
4 ~~49.19 or for a Wisconsin works employment position.~~

5 **SECTION 1416.** 49.148 (1m) (a) 2. of the statutes is created to read:

6 49.148 (1m) (a) 2. An unmarried woman who would be eligible under s. 49.145
7 except that she is not a custodial parent of a dependent child and who is in the 3rd
8 trimester of a pregnancy that is medically verified and that is shown by medical
9 documentation to be at risk and to render the woman unable to participate in the
10 workforce.

11 **SECTION 1417.** 49.148 (1m) (b) of the statutes is renumbered 49.148 (1m) (c) 1.
12 and amended to read:

13 49.148 (1m) (c) 1. Receipt of a grant under this subsection by a participant
14 under par. (a) 1. constitutes participation in a Wisconsin works Works employment
15 position for purposes of the time limits under ss. 49.145 (2) (n) and 49.147 (3) (c), (4)
16 (b), or (5) (b) 2. ~~if the child is born to the participant more than 10 months after the~~
17 ~~date that the participant was first determined to be eligible for assistance under s.~~
18 ~~49.19 or for a Wisconsin works employment position~~ unless the child was conceived
19 as a result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in which the
20 mother did not indicate a freely given agreement to have sexual intercourse or in
21 violation of s. 948.02 or 948.025 or of incest in violation of s. 944.06 or 948.06 and that
22 incest or sexual assault has been reported to a physician and to law enforcement
23 authorities.

24 **SECTION 1418.** 49.148 (1m) (c) (intro.) of the statutes is created to read:

SENATE BILL 40**SECTION 1418**

1 49.148 (1m) (c) (intro.) For purposes of the time limits under ss. 49.145 (2) (n)
2 and 49.147 (3) (c), (4) (b), and (5) (b) 2., all of the following apply:

3 **SECTION 1419.** 49.148 (1m) (c) 2. of the statutes is created to read:

4 49.148 (1m) (c) 2. Receipt of a grant under this subsection by a participant
5 under par. (a) 2. does not constitute participation in a Wisconsin Works employment
6 position.

7 **SECTION 1420.** 49.155 (1g) (b) of the statutes is amended to read:

8 49.155 (1g) (b) From the appropriations under s. ~~20.445 (3)~~ 20.437 (2) (cm),
9 (kx), and (mc), distribute \$5,488,500 in each fiscal year for grants under s. 49.134 (2)
10 for child day care resource and referral services, for grants under s. 49.137 (4m), for
11 a child care scholarship and bonus program, for administration of the department's
12 office of child care and for the department's share of the costs for the Child Care
13 Information Center operated by the division for libraries, technology, and
14 community learning in the department of public instruction.

15 **SECTION 1421.** 49.155 (1g) (c) of the statutes is amended to read:

16 49.155 (1g) (c) From the appropriation account under s. 20.445 (3) (mc),
17 transfer \$4,438,200 \$5,236,800 in fiscal year ~~2005-06~~ 2007-08 and \$4,440,500
18 \$5,245,500 in fiscal year ~~2006-07~~ 2008-09 to the appropriation account under s.
19 20.435 (3) (kx).

20 **SECTION 1422.** 49.155 (1g) (c) of the statutes, as affected by 2007 Wisconsin Act
21 (this act), is amended to read:

22 49.155 (1g) (c) From the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)
23 (mc), transfer \$5,236,800 in fiscal year 2007-08 and \$5,245,500 in fiscal year
24 2008-09 to the appropriation account under s. ~~20.435 (3)~~ 20.437 (1) (kx).

25 **SECTION 1423.** 49.155 (1g) (d) of the statutes is amended to read:

SENATE BILL 40**SECTION 1423**

1 49.155 (1g) (d) From the appropriation under s. 20.445 (3) (md), 2005 stats.,
2 distribute \$3,378,500 in fiscal year 2005–06 and \$3,378,500 in fiscal year 2006–07
3 for grants under s. 49.134 (2) for child day care resource and referral services, for
4 contracts under s. 49.137 (4) for training and technical assistance, for grants under
5 s. 49.137 (4m), and for a child care scholarship and bonus program.

6 **SECTION 1424.** 49.155 (1m) (intro.) of the statutes is amended to read:

7 49.155 (1m) ELIGIBILITY. (intro.) A Wisconsin ~~works~~ Works agency shall
8 determine eligibility for a child care subsidy under this section. Under this section,
9 subject to any waiting list placement under sub. (2). an individual may receive a
10 subsidy for child care for a child who has not attained the age of 13 or, if the child is
11 disabled, who has not attained the age of 19, if the individual meets all of the
12 following conditions:

13 **SECTION 1425.** 49.155 (1m) (a) 3m. of the statutes is amended to read:

14 49.155 (1m) (a) 3m. Participate in a job search or work experience component
15 of the food stamp employment and training program under s. ~~49.13~~ 49.79 (9).

16 **SECTION 1426.** 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

17 49.155 (1m) (c) 1. (intro.) Except as provided in subds. 1g., and 1h., 1m., 2., and
18 ~~3., the gross income of the individual's family is at or below 185% of the poverty line~~
19 ~~for a family the size of the individual's family or, for an individual who is already~~
20 receiving a child care subsidy under this section on the effective date of this
21 subdivision [revisor inserts date], the gross income of the individual's family is at
22 or below 200% of the poverty line for a family the size of the individual's family. In
23 calculating the gross income of the family, the Wisconsin ~~works~~ Works agency shall
24 include income described under s. 49.145 (3) (b) 1. and 3., except that, in calculating

SENATE BILL 40**SECTION 1426**

1 farm and self-employment income, the Wisconsin ~~works~~ Works agency shall include
2 the sum of the following:

3 **SECTION 1427.** 49.155 (1m) (c) 1c. of the statutes is created to read:

4 49.155 **(1m)** (c) 1c. Except as provided in subds. 1g. and 1h., for an individual
5 who, on or after the effective date of this subdivision [revisor inserts date], applies
6 for a child care subsidy under this section or reapplies for a child care subsidy under
7 this section after losing eligibility, the gross income of the individual's family when
8 the individual applies or reapplies is at or below 175 percent of the poverty line for
9 a family the size of the individual's family and, after the individual is already
10 receiving a child care subsidy under this section, the gross income of the individual's
11 family is at or below 190 percent of the poverty line for a family the size of the
12 individual's family. The Wisconsin Works agency shall calculate the gross income of
13 the family in the same manner as gross income is calculated under subd. 1.

14 **SECTION 1428.** 49.155 (1m) (c) 1m. of the statutes is repealed.

15 **SECTION 1429.** 49.155 (1m) (c) 2. of the statutes is repealed.

16 **SECTION 1430.** 49.155 (1m) (c) 3. of the statutes is repealed.

17 **SECTION 1431.** 49.155 (2) of the statutes is created to read:

18 49.155 **(2)** WAITING LIST. (a) If the department determines that projected child
19 care subsidies under this section will likely exceed the amount of funding allocated
20 for child care subsidies under s. 49.175 (1) (p), the department may implement a
21 prioritized waiting list system for applicants who are otherwise eligible for a child
22 care subsidy under sub. (1m). Under the system, an applicant on the waiting list
23 would not receive a child care subsidy until funding became sufficient.

SENATE BILL 40**SECTION 1431**

1 (b) Notwithstanding par. (a), an applicant for a child care subsidy who is
2 eligible under sub. (1m) and who is participating in a work component of Wisconsin
3 Works under s. 49.147 may not be placed on a waiting list.

4 **SECTION 1432.** 49.155 (3) (a) of the statutes is amended to read:

5 49.155 (3) (a) ~~A~~ Subject to any waiting list placement under sub. (2), a
6 Wisconsin works Works agency shall refer an individual who has been determined
7 eligible under sub. (1m) to a county department under s. 46.215, 46.22, or 46.23 for
8 child care assistance.

9 **SECTION 1433.** 49.159 (4) of the statutes is amended to read:

10 49.159 (4) PREGNANT WOMEN. A pregnant woman whose pregnancy is medically
11 verified, who would be eligible under s. 49.145 except that she is not a custodial
12 parent of a dependent child, and who does not satisfy the requirements under s.
13 49.148 (1m) (a) 2. is eligible for employment training and job search assistance
14 services provided by the Wisconsin works Works agency.

15 **SECTION 1434.** 49.1635 (1) of the statutes is amended to read:

16 49.1635 (1) To the extent permitted under federal law and subject to sub. (2),
17 from the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (md) the department may
18 distribute funds to the Wisconsin Trust Account Foundation in an amount up to the
19 amount received by the foundation from private donations, but not to exceed
20 \$100,000 in a fiscal year. Except as provided in sub. (4), funds distributed under this
21 subsection may be used only for the provision of legal services to individuals who are
22 eligible for temporary assistance for needy families under 42 USC 601 et seq. and
23 whose incomes are at or below 200% of the poverty line.

24 **SECTION 1435.** 49.175 (1) (intro.) of the statutes is amended to read:

SENATE BILL 40**SECTION 1435**

1 49.175 (1) ALLOCATION OF FUNDS. (intro.) Except as provided in sub. (2), within
2 the limits of the appropriations under s. ~~20.445 (3)~~ 20.437 (2) (a), (cm), (dz), (k), (kx),
3 (L), (mc), (md), (me), and (s), the department shall allocate the following amounts for
4 the following purposes:

5 **SECTION 1436.** 49.175 (1) (a) of the statutes is amended to read:

6 49.175 (1) (a) *Wisconsin Works benefits.* For Wisconsin Works benefits,
7 \$~~59,184,700~~ \$48,276,900 in fiscal year ~~2005–06~~ 2007–08 and \$~~51,930,000~~
8 \$51,003,200 in fiscal year ~~2006–07~~ 2008–09.

9 **SECTION 1437.** 49.175 (1) (b) of the statutes is amended to read:

10 49.175 (1) (b) *Wisconsin Works administration.* For administration of
11 Wisconsin Works performed under contracts under s. 49.143, \$~~18,999,900~~
12 \$13,201,100 in fiscal year ~~2005–06~~ 2007–08 and \$~~16,834,100~~ \$13,201,100 in fiscal
13 year ~~2006–07~~ 2008–09.

14 **SECTION 1438.** 49.175 (1) (c) of the statutes is repealed.

15 **SECTION 1439.** 49.175 (1) (f) of the statutes is amended to read:

16 49.175 (1) (f) *Wisconsin Works ancillary services.* For program services under
17 Wisconsin Works provided under contracts under s. 49.143, \$~~49,534,800~~ \$38,604,400
18 in fiscal year ~~2005–06~~ 2007–08 and \$~~43,463,000~~ \$40,066,300 in fiscal year ~~2006–07~~
19 2008–09.

20 **SECTION 1440.** 49.175 (1) (g) of the statutes is amended to read:

21 49.175 (1) (g) *State administration of public assistance programs.* For state
22 administration of public assistance programs, \$~~16,060,000~~ \$17,577,500 in each
23 fiscal year ~~2007–08~~ 2007–08 and \$~~17,807,000~~ \$17,807,000 in fiscal year ~~2008–09~~.

24 **SECTION 1441.** 49.175 (1) (i) of the statutes is amended to read:

SENATE BILL 40**SECTION 1441**

1 49.175 (1) (i) *Emergency assistance*. For emergency assistance under s. 49.138,
2 \$4,500,000 ~~\$8,900,000~~ in each fiscal year ~~2007–08~~ and ~~\$9,400,000~~ in fiscal year
3 ~~2008–09~~.

4 **SECTION 1442.** 49.175 (1) (p) of the statutes is amended to read:

5 49.175 (1) (p) *Direct child care services*. For direct child care services under s.
6 49.155, \$310,332,100 ~~\$314,888,400~~ in fiscal year ~~2005–06~~ ~~2007–08~~ and
7 \$313,432,100 ~~\$315,821,900~~ in fiscal year ~~2006–07~~ ~~2008–09~~.

8 **SECTION 1443.** 49.175 (1) (q) of the statutes is amended to read:

9 49.175 (1) (q) *Indirect child care services*. For indirect child care services under
10 s. 49.155 (1g), \$9,926,700 ~~\$7,081,900~~ in fiscal year ~~2005–06~~ ~~2007–08~~ and \$9,929,000
11 ~~\$6,480,200~~ in fiscal year ~~2006–07~~ ~~2008–09~~.

12 **SECTION 1444.** 49.175 (1) (qm) of the statutes is amended to read:

13 49.175 (1) (qm) *Quality care for quality kids*. For the child care quality
14 improvement activities specified in s. 49.155 (1g) (d), \$3,378,500 ~~\$4,578,500~~ in each
15 fiscal year.

16 **SECTION 1445.** 49.175 (1) (r) of the statutes is repealed.

17 **SECTION 1446.** 49.175 (1) (s) of the statutes is created to read:

18 49.175 (1) (s) *Grants to Educare Center of Milwaukee*. For grants to the
19 Educare Center of Milwaukee, \$750,000 in each fiscal year.

20 **SECTION 1447.** 49.175 (1) (z) of the statutes is amended to read:

21 49.175 (1) (z) *Grants to the Boys and Girls Clubs of America*. For grants to the
22 Wisconsin Chapter of the Boys and Girls Clubs of America to fund programs that
23 improve social, academic, and employment skills of youth who are eligible to receive
24 temporary assistance for needy families under 42 USC 601 et seq., \$300,000
25 ~~\$350,000~~ in each fiscal year.

SENATE BILL 40**SECTION 1448**

1 **SECTION 1448.** 49.175 (1) (ze) (title) of the statutes is amended to read:

2 49.175 (1) (ze) (title) *Programs administered by the department of health and*
3 *family services relating to children and families.*

4 **SECTION 1449.** 49.175 (1) (ze) 1. of the statutes is amended to read:

5 49.175 (1) (ze) 1. ‘Kinship care and long-term kinship care assistance.’ For the
6 kinship care and long-term kinship care programs under s. 48.57 (3m), (3n), and
7 (3p), ~~\$23,034,200 in fiscal year 2005–06 and \$22,686,300~~ \$23,655,000 in each fiscal
8 year 2006–07.

9 **SECTION 1450.** 49.175 (1) (ze) 2. of the statutes is amended to read:

10 49.175 (1) (ze) 2. ‘Children of recipients of supplemental security income.’ For
11 payments made under s. 49.775 for the support of the dependent children of
12 recipients of supplemental security income, ~~\$30,444,000~~ \$30,272,400 in fiscal year
13 ~~2005–06~~ 2007–08 and ~~\$30,394,000~~ \$30,272,400 in fiscal year ~~2006–07~~ 2008–09.

14 **SECTION 1451.** 49.175 (1) (ze) 10m. of the statutes is amended to read:

15 49.175 (1) (ze) 10m. ‘Safety and out-of-home placement services.’ For services
16 provided in counties having a population of 500,000 or more to ensure the safety of
17 children who the department of health and family services determines may remain
18 at home if appropriate services are provided, ~~\$5,707,200~~ and for ongoing services
19 provided in those counties to families with children placed in out-of-home care.
20 \$5,631,300 in each fiscal year.

21 **SECTION 1452.** 49.175 (1) (ze) 10m. of the statutes, as affected by 2007
22 Wisconsin Act (this act), is amended to read:

23 49.175 (1) (ze) 10m. ‘Safety and out-of-home placement services.’ For services
24 provided in counties having a population of 500,000 or more to ensure the safety of
25 children who the department of ~~health and family services~~ determines may remain

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1 at home if appropriate services are provided, and for ongoing services provided in
2 those counties to families with children placed in out-of-home care, \$5,631,300 in
3 each fiscal year.

4 **SECTION 1453.** 49.175 (1) (ze) 12. of the statutes is amended to read:

5 49.175 (1) (ze) 12. 'Milwaukee and statewide child welfare administration.' For
6 the costs associated with the Milwaukee child welfare information system and the
7 Wisconsin statewide automated child welfare information system, \$1,310,800
8 \$1,510,500 in fiscal year ~~2005-06~~ 2007-08 and \$1,317,700 \$1,532,100 in fiscal year
9 ~~2006-07~~ 2008-09.

10 **SECTION 1454.** 49.175 (1) (zh) of the statutes is amended to read:

11 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
12 moneys from the appropriation account under s. 20.445 (3) (md) to the appropriation
13 account under s. 20.835 (2) (kf) for the earned income tax credit, \$55,232,000
14 \$30,616,700 in each fiscal year 2007-08 and \$25,004,300 in fiscal year 2008-09.

15 **SECTION 1455.** 49.175 (1) (zh) of the statutes, as affected by 2007 Wisconsin Act
16 (this act), is amended to read:

17 49.175 (1) (zh) *Earned income tax credit supplement.* For the transfer of
18 moneys from the appropriation account under s. ~~20.445-(3)~~ 20.437 (2) (md) to the
19 appropriation account under s. 20.835 (2) (kf) for the earned income tax credit,
20 \$30,616,700 in fiscal year 2007-08 and \$25,004,300 in fiscal year 2008-09.

21 **SECTION 1456.** 49.175 (2) (c) of the statutes is amended to read:

22 49.175 (2) (c) If the amounts of federal block grant moneys that are required
23 to be credited to the appropriation accounts under s. ~~20.445-(3)~~ 20.437 (2) (mc) and
24 (md) are less than the amounts appropriated under s. ~~20.445-(3)~~ 20.437 (2) (mc) and
25 (md), the department shall submit a plan to the secretary of administration for

SENATE BILL 40**SECTION 1456**

1 reducing the amounts of moneys allocated under sub. (1). If the secretary of
2 administration approves the plan, the amounts of moneys required to be allocated
3 under sub. (1) may be reduced as proposed by the department and the department
4 shall allocate the moneys as specified in the plan.

5 **SECTION 1457.** 49.177 of the statutes is created to read:

6 **49.177 Boys and Girls Clubs programs in 1st class cities.** From the
7 appropriation account under s. 20.445 (3) (kb), the department shall provide grants
8 to the Boys and Girls Clubs of Greater Milwaukee to fund programs that improve the
9 social, academic, and employment skills of youths who reside in 1st class cities.

10 **SECTION 1458.** 49.177 of the statutes, as created by 2007 Wisconsin Act ... (this
11 act), is amended to read:

12 **49.177 Boys and Girls Clubs programs in 1st class cities.** From the
13 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (kb), the department shall
14 provide grants to the Boys and Girls Clubs of Greater Milwaukee to fund programs
15 that improve the social, academic, and employment skills of youths who reside in 1st
16 class cities.

17 **SECTION 1459.** 49.19 (1) (a) 2. b. of the statutes is amended to read:

18 49.19 (1) (a) 2. b. Is living in a foster home or treatment foster home licensed
19 under s. 48.62 if a license is required under that section, in a foster home or treatment
20 foster home located within the boundaries of a federally recognized American Indian
21 reservation in this state and licensed by the tribal governing body of the reservation,
22 in a group home licensed under s. 48.625, or in a residential care center for children
23 and youth licensed under s. 48.60, and has been placed in the foster home, treatment
24 foster home, group home, or center by a county department under s. 46.215, 46.22,
25 or 46.23, by the department of ~~health and family services~~, by the department of

SENATE BILL 40**SECTION 1459**

1 corrections, or by a federally recognized American Indian tribal governing body in
2 this state under an agreement with a county department.

3 **SECTION 1460.** 49.19 (10) (a) of the statutes is amended to read:

4 49.19 (10) (a) Aid under this section may also be granted to a nonrelative who
5 cares for a child dependent upon the public for proper support in a foster home or
6 treatment foster home having a license under s. 48.62, in a foster home or treatment
7 foster home located within the boundaries of a federally recognized American Indian
8 reservation in this state and licensed by the tribal governing body of the reservation
9 or in a group home licensed under s. 48.625, regardless of the cause or prospective
10 period of dependency. The state shall reimburse counties pursuant to the procedure
11 under s. ~~46.495~~ 48.569 (2) and the percentage rate of participation set forth in s.
12 ~~46.495~~ 48.569 (1) (d) for aid granted under this subsection except that if the child does
13 not have legal settlement in the granting county, state reimbursement shall be at
14 100%. The county department under s. 46.215 or 46.22 shall determine the legal
15 settlement of the child. A child under one year of age shall be eligible for aid under
16 this subsection irrespective of any other residence requirement for eligibility within
17 this section.

18 **SECTION 1461.** 49.19 (10) (d) of the statutes is amended to read:

19 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home,
20 treatment foster home, group home, or residential care center for children and youth
21 by the state when the child is in the custody or guardianship of the state, when the
22 child is a ward of an American Indian tribal court in this state and the placement is
23 made under an agreement between the department and the tribal governing body,
24 or when the child was part of the state's direct service case load and was removed
25 from the home of a relative specified in sub. (1) (a) as a result of a judicial

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SECTION 1461

1 determination that continuance in the home of a relative would be contrary to the
 2 child’s welfare for any reason and the child is placed by the department of health and
 3 family services or the department of corrections.

4 **SECTION 1462.** 49.19 (11) (a) 1. a. of the statutes is amended to read:

5 49.19 (11) (a) 1. a. Except as provided in subs. (11m) and (11s), monthly
 6 payments made under s. ~~20.445 (3)~~ 20.437 (2) (dz) and (md) to persons or to families
 7 with dependent children shall be based on family size and shall be at 80% of the total
 8 of the allowances under subs. 2. and 4. plus the following standards of assistance
 9 beginning on September 1, 1987:

Figure 49.19 (11) (a) 1. a.:		
<u>FAMILY SIZE</u>	<u>AREA I</u>	<u>AREA II</u>
1	\$ 311	\$ 301
2	550	533
3	647	626
4	772	749
5	886	861
6	958	929
7	1,037	1,007
8	1,099	1,068
9	1,151	1,117
10	1,179	1,143

10 **SECTION 1463.** 49.19 (11s) (d) of the statutes is amended to read:

11 49.19 (11s) (d) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (a), the
 12 department may award grants to county departments under ss. 46.215, 46.22 and
 13 46.23 for providing education services relating to family planning, as defined in s.
 14 253.07 (1) (a), to persons who are subject to par. (b).

15 **SECTION 1464.** 49.195 (3r) of the statutes is amended to read:

16 49.195 (3r) From the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (L) the
 17 department may contract with or employ a collection agency or other person to

SENATE BILL 40**SECTION 1464**

1 enforce a repayment obligation of a person who is found liable under sub. (3) who is
2 delinquent in making repayments.

3 **SECTION 1465.** 49.197 (1m) of the statutes is amended to read:

4 49.197 **(1m)** FRAUD INVESTIGATION. From the appropriations under s. ~~20.445 (3)~~
5 20.437 (2) (dz), (kx), (L), (md), (n), and (nL), the department shall establish a program
6 to investigate suspected fraudulent activity on the part of recipients of aid to families
7 with dependent children under s. 49.19, on the part of participants in the Wisconsin
8 Works program under ss. 49.141 to 49.161, and, if the department of health and
9 family services contracts with the department under sub. (5), on the part of recipients
10 of medical assistance under subch. IV, food stamp benefits under the food stamp
11 program under 7 USC 2011 to 2036, supplemental security income payments under
12 s. 49.77, payments for the support of children of supplemental security income
13 recipients under s. 49.775, and health care benefits under the Badger Care health
14 care program under s. 49.665. The department's activities under this subsection may
15 include, but are not limited to, comparisons of information provided to the
16 department by an applicant and information provided by the applicant to other
17 federal, state, and local agencies, development of an advisory welfare investigation
18 prosecution standard, and provision of funds to county departments under ss.
19 46.215, 46.22, and 46.23 and to Wisconsin Works agencies to encourage activities to
20 detect fraud. The department shall cooperate with district attorneys regarding
21 fraud prosecutions.

22 **SECTION 1466.** 49.197 (4) of the statutes is amended to read:

23 49.197 **(4)** COUNTY AND TRIBAL ERROR REDUCTION. If the department of health and
24 family services contracts with the department under sub. (5), the department shall
25 provide funds from the appropriation under s. ~~20.445 (3)~~ 20.437 (2) (kx) to counties

SENATE BILL 40**SECTION 1466**

1 and governing bodies of federally recognized American Indian tribes administering
2 Medical Assistance under subch. IV, the food stamp program under 7 USC 2011 to
3 2036, the supplemental security income payments program under s. 49.77, the
4 program providing payments for the support of children of supplemental security
5 income recipients under s. 49.775, and the Badger Care health care program under
6 s. 49.665 to offset administrative costs of reducing payment errors in those programs.

7 **SECTION 1467.** 49.22 (2m) (a) of the statutes is amended to read:

8 49.22 **(2m)** (a) The department may request from any person in this state
9 information it determines appropriate and necessary for the administration of this
10 section, ss. 49.141 to 49.161, 49.19, 49.46, 49.468 ~~and~~, 49.47, and 49.471 and
11 programs carrying out the purposes of 7 USC 2011 to 2029. Unless access to the
12 information is prohibited or restricted by law, or unless the person has good cause,
13 as determined by the department in accordance with federal law and regulations, for
14 refusing to cooperate, the person shall make a good faith effort to provide this
15 information within 7 days after receiving a request under this paragraph. Except
16 as provided in subs. (2p) and (2r) and subject to sub. (12), the department or the
17 county child support agency under s. 59.53 (5) may disclose information obtained
18 under this paragraph only in the administration of this section, ss. 49.141 to 49.161,
19 49.19, 49.46 ~~and~~, 49.47, and 49.471 and programs carrying out the purposes of 7 USC
20 2011 to 2029. Employees of the department or a county child support agency under
21 s. 59.53 (5) are subject to s. 49.83.

22 **SECTION 1468.** 49.22 (2m) (b) of the statutes is amended to read:

23 49.22 **(2m)** (b) The department or county child support agency under s. 59.53
24 (5) may issue a subpoena, in substantially the form authorized under s. 885.02, to
25 compel the production of financial information and other documentary evidence in

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1 the administration of this section, ss. 49.145, 49.19, 49.46 ~~and~~, 49.47, and 49.471 and
2 programs carrying out the purposes of 7 USC 2011 to 2029.

3 **SECTION 1469.** 49.22 (2m) (c) 3. of the statutes is amended to read:

4 49.22 **(2m)** (c) 3. Any other action taken in good faith to comply with this section
5 or a subpoena described in par. (bc) or to comply with a request for information or
6 access to records from the department or a county child support agency under s. 59.53
7 (5) in the administration of this section, ss. 49.145, 49.19, 49.46 ~~and~~, 49.47, and
8 49.471 and programs carrying out the purposes of 7 USC 2011 to 2029.

9 **SECTION 1470.** 49.22 (6) of the statutes is amended to read:

10 49.22 **(6)** The department shall establish, pursuant to federal and state laws,
11 rules and regulations, a uniform system of fees for services provided under this
12 section to individuals not receiving aid under s. ~~46.261~~ 48.645, 49.19, or 49.47;
13 benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments under
14 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term
15 kinship care payments under s. 48.57 (3n). The system of fees may take into account
16 an individual's ability to pay. Any fee paid and collected under this subsection may
17 be retained by the county providing the service except for the fee specified in 42 USC
18 653 (e) (2) for federal parent locator services.

19 **SECTION 1471.** 49.22 (6) of the statutes, as affected by 2007 Wisconsin Act ...
20 (this act), is amended to read:

21 49.22 **(6)** The department shall establish, pursuant to federal and state laws,
22 rules and regulations, a uniform system of fees for services provided under this
23 section to individuals not receiving aid under s. ~~48.645~~, 49.19 ~~or~~, 49.47, or 49.471;
24 benefits under s. 49.148, 49.155, or 49.79; foster care maintenance payments under
25 42 USC 670 to 679a; or kinship care payments under s. 48.57 (3m) or long-term

SENATE BILL 40**SECTION 1471**

1 kinship care payments under s. 48.57 (3n). The system of fees may take into account
2 an individual's ability to pay. Any fee paid and collected under this subsection may
3 be retained by the county providing the service except for the fee specified in 42 USC
4 653 (e) (2) for federal parent locator services.

5 **SECTION 1472.** 49.22 (7) of the statutes is amended to read:

6 49.22 (7) The department may represent the state in any action to establish
7 paternity or to establish or enforce a support or maintenance obligation. The
8 department may delegate its authority to represent the state in any action to
9 establish paternity or to establish or enforce a support or maintenance obligation
10 under this section to an attorney responsible for support enforcement under s. 59.53
11 (6) (a) pursuant to a contract entered into under s. 59.53 (5). The department shall
12 ensure that any such contract is for an amount reasonable and necessary to assure
13 quality service. The department may, by such a contract, authorize a county to
14 contract with any attorney, collection agency or other person to collect unpaid child
15 support or maintenance. If a county fails to fully implement the programs under s.
16 59.53 (5), the department may implement them and may contract with any
17 appropriate person to obtain necessary services. The department shall establish a
18 formula for disbursing funds appropriated under s. ~~20.445 (3)~~ 20.437 (2) (md) to carry
19 out a contract under this subsection.

20 **SECTION 1473.** 49.24 (1) of the statutes is amended to read:

21 49.24 (1) From the appropriation under s. 20.445 (3) ~~(k)~~ (b), the department
22 shall provide child support incentive payments to counties. ~~Total payments~~ In fiscal
23 year 2007–08, amounts allocated by the department under this subsection may not
24 exceed \$2,750,000, plus any amounts not obligated in the prior fiscal year. Beginning
25 with fiscal year 2008–09, amounts allocated under this subsection may not exceed

SENATE BILL 40**SECTION 1473**

1 ~~\$5,690,000~~ \$5,500,000 per fiscal year, plus any amounts not obligated in the prior
2 fiscal year.

3 **SECTION 1474.** 49.24 (1) of the statutes, as affected by 2007 Wisconsin Act ...
4 (this act), is amended to read:

5 49.24 (1) From the appropriation under s. ~~20.445–(3)~~ 20.437 (2) (b), the
6 department shall provide child support incentive payments to counties. In fiscal
7 year 2007–08, amounts allocated by the department under this subsection may not
8 exceed \$2,750,000, plus any amounts not obligated in the prior fiscal year. Beginning
9 with fiscal year 2008–09, amounts allocated under this subsection may not exceed
10 \$5,500,000 per fiscal year, plus any amounts not obligated in the prior fiscal year.

11 **SECTION 1475.** 49.24 (2) (b) (intro.) of the statutes is amended to read:

12 49.24 (2) (b) (intro.) Subject to the ~~incentive payments limit specified in par.~~
13 (a), the department shall distribute to counties, in accordance with the formula
14 established under par. (a), all of the following:

15 **SECTION 1476.** 49.24 (2) (d) of the statutes is repealed.

16 **SECTION 1477.** 49.26 (1) (d) of the statutes is amended to read:

17 49.26 (1) (d) A county department or Wisconsin ~~works~~ Works agency that
18 provides services under this subsection directly shall develop a plan, in coordination
19 with the school districts located in whole or in part in the county, describing the
20 assistance that the county department or Wisconsin ~~works~~ Works agency and school
21 districts will provide to individuals receiving services under this subsection, the
22 number of individuals that will be served and the estimated cost of the services. The
23 county department or Wisconsin ~~works~~ Works agency shall submit the plan to the
24 department ~~of workforce development~~ and the department of public instruction by
25 January 15, annually.

SENATE BILL 40**SECTION 1478**

1 **SECTION 1478.** 49.26 (1) (g) (intro.) of the statutes is amended to read:

2 49.26 (1) (g) (intro.) An individual who is a dependent child in a Wisconsin
3 ~~works~~ Works group that includes a participant under s. 49.147 (3), (3m), (4), or (5)
4 or who is a recipient of aid under s. 49.19 is subject to the school attendance
5 requirement under par. (ge) if all of the following apply:

6 **SECTION 1479.** 49.26 (1) (h) 1s. b. of the statutes is amended to read:

7 49.26 (1) (h) 1s. b. An individual who is a dependent child in a Wisconsin ~~works~~
8 Works group that includes a participant under s. 49.147 (3), (3m), (4), or (5) and who
9 fails to meet the school attendance requirement under par. (ge) is subject to a
10 monthly sanction.

11 **SECTION 1480.** 49.27 of the statutes is created to read:

12 **49.27 Legal actions.** The department may sue and be sued.

13 **SECTION 1481.** 49.273 of the statutes is created to read:

14 **49.273 Research, investigations.** The secretary shall plan for and establish
15 within the department a program of research designed to determine the
16 effectiveness of the treatment, curative, and rehabilitative programs of the various
17 divisions of the department. The secretary may inquire into any matter affecting
18 children and families, hold hearings, subpoena witnesses and make
19 recommendations on those matters to the appropriate public or private agencies.

20 **SECTION 1482.** 49.275 of the statutes is amended to read:

21 **49.275 Cooperation with federal government.** The department may
22 cooperate with the federal government in carrying out federal acts concerning public
23 assistance under this subchapter and child welfare under ch. 48 and in other matters
24 of mutual concern under this subchapter pertaining to public welfare and under ch.
25 48 pertaining to child welfare.

SENATE BILL 40**SECTION 1483**

1 **SECTION 1483.** 49.32 (1) (a) of the statutes is amended to read:

2 49.32 (1) (a) ~~The Except as provided in s. 49.345 (14) (b) and (c), the department~~
3 shall establish a uniform system of fees for services provided or purchased under this
4 subchapter and ch. 48 by the department, or a county department under s. 46.215,
5 46.22, or 46.23, except as provided in s. 49.22 (6) and except where when, as
6 determined by the department, a fee is administratively unfeasible or would
7 significantly prevent accomplishing the purpose of the service. A county department
8 under s. 46.215, 46.22 or 46.23 shall apply the fees ~~which~~ that it collects under this
9 program to cover the cost of ~~such~~ those services.

10 **SECTION 1484.** 49.32 (1) (am) of the statutes is created to read:

11 49.32 (1) (am) Paragraph (a) does not prevent the department from charging
12 and collecting the cost of adoptive placement investigations and child care as
13 authorized under s. 48.837 (7).

14 **SECTION 1485.** 49.32 (1) (b) of the statutes is amended to read:

15 49.32 (1) (b) ~~Any Except as provided in s. 49.345 (14) (b) and (c), any person~~
16 receiving services provided or purchased under par. (a) or the spouse of the person
17 and, in the case of a minor, the parents of the person, and, in the case of a foreign child
18 described in s. 48.839 (1) who became dependent on public funds for his or her
19 primary support before an order granting his or her adoption, the resident of this
20 state appointed guardian of the child by a foreign court who brought the child into
21 this state for the purpose of adoption, shall be liable for the services in the amount
22 of the fee established under par. (a).

23 **SECTION 1486.** 49.32 (1) (c) of the statutes is amended to read:

24 49.32 (1) (c) The department shall make collections from the person who in the
25 opinion of the department is best able to pay, giving due regard to the present needs

SENATE BILL 40**SECTION 1486**

1 of the person or of his or her lawful dependents. The department may bring an action
2 in the name of the department to enforce the liability established under par. (b). This
3 paragraph does not apply to the recovery of fees for the care and services specified
4 under s. 49.345.

5 **SECTION 1487.** 49.32 (2) (d) of the statutes is created to read:

6 49.32 (2) (d) The department shall disburse from state or federal funds or both
7 the entire amount and charge the county for its share under s. 48.569.

8 **SECTION 1488.** 49.32 (9) (a) of the statutes is amended to read:

9 49.32 (9) (a) Each county department under s. 46.215, 46.22~~1~~, or 46.23
10 administering aid to families with dependent children shall maintain a monthly
11 report at its office showing the names of all persons receiving aid to families with
12 dependent children together with the amount paid during the preceding month.
13 Each Wisconsin works Works agency administering Wisconsin works Works under
14 ss. 49.141 to 49.161 shall maintain a monthly report at its office showing the names
15 of all persons receiving benefits under s. 49.148 together with the amount paid
16 during the preceding month. Nothing in this paragraph shall be construed to
17 authorize or require the disclosure in the report of any information (names, amounts
18 of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children
19 in foster homes or treatment foster homes under s. ~~46.261~~ 48.645 or 49.19 (10).

20 **SECTION 1489.** 49.32 (11) of the statutes is renumbered 103.005 (21) and
21 amended to read:

22 103.005 (21) ~~COMMUNITY ACTION AGENCIES.~~ The department shall distribute all
23 of the funds under s. 20.445 (3) (1) (cr) to community action agencies and
24 organizations, including any of the 11 federally recognized tribal governing bodies
25 in this state and limited-purpose agencies, in proportion to the share of funds

SENATE BILL 40**SECTION 1489**

1 actually allocated to these entities under 42 USC 1315 and from other federal and
2 private foundation sources that provide funds for job creation and development for
3 individuals with low incomes.

4 **SECTION 1490.** 49.32 (11m) of the statutes is created to read:

5 49.32 **(11m)** CONSOLIDATION OF ALLOCATED TRIBAL FUNDS. The department may
6 consolidate funds appropriated under s. 20.437 that are authorized or required to be
7 allocated to federally recognized American Indian tribes or bands into a single
8 distribution for each tribe or band in each fiscal year.

9 **SECTION 1491.** 49.32 (12) of the statutes is amended to read:

10 49.32 **(12)** ADMINISTRATIVE HEARINGS AND APPEALS. Any hearing under s. 227.42
11 granted by the department under this subchapter or ch. 48 may be conducted before
12 the division of hearings and appeals in the department of administration.

13 **SECTION 1492.** 49.325 (1) (a) of the statutes is amended to read:

14 49.325 **(1)** (a) Each county department under s. 46.215, 46.22, or 46.23 shall
15 submit its final budget for services directly provided or purchased under this
16 subchapter or ch. 48 to the department by December 31 annually.

17 **SECTION 1493.** 49.325 (2) of the statutes is amended to read:

18 49.325 **(2)** ASSESSMENT OF NEEDS. Before developing and submitting a proposed
19 budget for services directly provided or purchased under this subchapter or ch. 48
20 to the county executive or county administrator or the county board, the county
21 departments listed in sub. (1) shall assess needs and inventory resources and
22 services, using an open public participation process.

23 **SECTION 1494.** 49.325 (2g) (a) of the statutes is amended to read:

24 49.325 **(2g)** (a) The department shall annually submit to the county board of
25 supervisors in a county with a single-county department or the county boards of

SENATE BILL 40**SECTION 1494**

1 supervisors in counties with a multicounty department a proposed written contract
2 containing the allocation of funds for services directly provided or purchased under
3 this subchapter or ch. 48 and such administrative requirements as necessary. The
4 contract as approved may contain conditions of participation consistent with federal
5 and state law. The contract may also include provisions necessary to ensure uniform
6 cost accounting of services. Any changes to the proposed contract shall be mutually
7 agreed upon. The county board of supervisors in a county with a single-county
8 department or the county boards of supervisors in counties with a multicounty
9 department shall approve the contract before January 1 of the year in which it takes
10 effect unless the department grants an extension. The county board of supervisors
11 in a county with a single-county department or the county boards of supervisors in
12 counties with a multicounty department may designate an agent to approve addenda
13 to any contract after the contract has been approved.

14 **SECTION 1495.** 49.325 (2g) (c) of the statutes is amended to read:

15 49.325 **(2g)** (c) The joint committee on finance may require the department to
16 submit contracts between county departments under ss. 46.215, 46.22₁, and 46.23
17 and providers of services under this subchapter or ch. 48 to the committee for review
18 and approval.

19 **SECTION 1496.** 49.325 (2r) (a) 1. of the statutes is amended to read:

20 49.325 **(2r)** (a) 1. For services under this subchapter ~~which~~ or ch. 48 that
21 duplicate or are inconsistent with services being provided or purchased by the
22 department or other county departments receiving grants-in-aid or reimbursement
23 from the department.

24 **SECTION 1497.** 49.325 (2r) (a) 2. of the statutes is amended to read:

SENATE BILL 40**SECTION 1497**

1 49.325 **(2r)** (a) 2. Inconsistent with state or federal statutes, rules, or
2 regulations, in which case the department may also arrange for provision of services
3 under this subchapter or ch. 48 by an alternate agency. The department may not
4 arrange for provision of services by an alternate agency unless the joint committee
5 on finance or a review body designated by the committee reviews and approves the
6 department's determination.

7 **SECTION 1498.** 49.325 (3) (a) of the statutes is amended to read:

8 49.325 **(3)** (a) *Citizen advisory committee.* Except as provided in par. (b), the
9 county board of supervisors of each county or the county boards of supervisors of 2
10 or more counties jointly shall establish a citizen advisory committee to the county
11 departments under ss. 46.215, 46.22 and 46.23. The citizen advisory committee shall
12 advise in the formulation of the budget under sub. (1). Membership on the committee
13 shall be determined by the county board of supervisors in a county with a
14 single-county committee or by the county boards of supervisors in counties with a
15 multicounty committee and shall include representatives of those persons receiving
16 services, providers of services and citizens. A majority of the members of the
17 committee shall be citizens and consumers of services. At least one member of the
18 committee shall be chosen from the governing or administrative board of the
19 community action agency serving the county or counties under s. 49.265, if any. The
20 committee's membership may not consist of more than 25% county supervisors, nor
21 of more than 20% services providers. The chairperson of the committee shall be
22 appointed by the county board of supervisors establishing it. In the case of a
23 multicounty committee, the chairperson shall be nominated by the committee and
24 approved by the county boards of supervisors establishing it. The county board of
25 supervisors in a county with a single-county committee or the county boards of

SENATE BILL 40**SECTION 1498**

1 supervisors in counties with a multicounty committee may designate an agent to
2 determine the membership of the committee and to appoint the committee
3 chairperson or approve the nominee.

4 **SECTION 1499.** 49.34 (1) of the statutes is amended to read:

5 49.34 (1) All services under this subchapter and ch. 48 purchased by the
6 department or by a county department under s. 46.215, 46.22₁, or 46.23 shall be
7 authorized and contracted for under the standards established under this section.
8 The department may require the county departments to submit the contracts to the
9 department for review and approval. For purchases of \$10,000 or less the
10 requirement for a written contract may be waived by the department. No contract
11 is required for care provided by foster homes or treatment foster homes that are
12 required to be licensed under s. 48.62. When the department directly contracts for
13 services, it shall follow the procedures in this section in addition to meeting
14 purchasing requirements established in s. 16.75.

15 **SECTION 1500.** 49.34 (2) of the statutes is amended to read:

16 49.34 (2) All services purchased under this subchapter and ch. 48 shall meet
17 standards established by the department and other requirements specified by the
18 purchaser in the contract. Based on these standards the department shall establish
19 standards for cost accounting and management information systems that shall
20 monitor the utilization of the services, and document the specific services in meeting
21 the service plan for the client and the objective of the service.

22 **SECTION 1501.** 49.34 (4) (a) of the statutes is amended to read:

23 49.34 (4) (a) Except as provided in this subsection, maintain a uniform double
24 entry accounting system and a management information system which are
25 compatible with cost accounting and control systems prescribed by the department.

SENATE BILL 40**SECTION 1501**

1 The department shall establish a simplified double–entry bookkeeping system for
2 use by family–operated group homes. Each purchaser shall determine whether a
3 family–operated group home from which it purchases services shall use the
4 double–entry accounting system or the simplified system and shall include this
5 determination in the purchase of service contract. In this paragraph,
6 “family–operated group home” means a group home licensed under s. 48.66 (1) (a) for
7 which the licensee is one or more individuals who operate not more than one group
8 home.

9 **SECTION 1502.** 49.34 (4) (c) of the statutes is amended to read:

10 49.34 **(4)** (c) Unless waived by the department, biennially, or annually if
11 required under federal law, provide the purchaser with a certified financial and
12 compliance audit report if the care and services purchased exceed \$25,000. The audit
13 shall follow standards that the department prescribes. A purchaser may waive the
14 requirements of this paragraph for any family–operated group home, as defined in
15 par. (a), from which it purchases services.

16 **SECTION 1503.** 49.34 (5m) (a) 1. of the statutes is amended to read:

17 49.34 **(5m)** (a) 1. “Provider” means a nonstock corporation organized under ch.
18 181 that is a nonprofit corporation, as defined in s. 181.0103 (17), and that contracts
19 under this section to provide client services on the basis of a unit rate per client
20 service or a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437 that
21 contracts under this section to provide client services on the basis of a unit rate per
22 client service.

23 **SECTION 1504.** 49.34 (5m) (b) 1. of the statutes is amended to read:

24 49.34 **(5m)** (b) 1. Subject to subds. 2. and 3. and par. (em), if revenue under a
25 contract for the provision of a rate–based service exceeds allowable costs incurred in

SENATE BILL 40**SECTION 1504**

1 the contract period, the provider may retain from the surplus generated by that
2 rate-based service up to 5% of the contract amount. A provider that retains a surplus
3 under this subdivision shall use that retained surplus to cover a deficit between
4 revenue and allowable costs incurred in any preceding or future contract period for
5 the same rate-based service that generated the surplus or to address the
6 programmatic needs of clients served by the same rate-based service that generated
7 the surplus.

8 **SECTION 1505.** 49.34 (5m) (b) 2. of the statutes is amended to read:

9 49.34 **(5m)** (b) 2. Subject to subd. 3. and par. (em), a provider may accumulate
10 funds from more than one contract period under this paragraph, except that, if at the
11 end of a contract period the amount accumulated from all contract periods for a
12 rate-based service exceeds 10% of the amount of all current contracts for that
13 rate-based service, the provider shall, at the request of a purchaser, return to that
14 purchaser the purchaser's proportional share of that excess and use any of that
15 excess that is not returned to a purchaser to reduce the provider's unit rate per client
16 for that rate-based service in the next contract period. If a provider has held for 4
17 consecutive contract periods an accumulated reserve for a rate-based service that
18 is equal to or exceeds 10% of the amount of all current contracts for that rate-based
19 service, the provider shall apply 50% of that accumulated amount to reducing its unit
20 rate per client for that rate-based service in the next contract period.

21 **SECTION 1506.** 49.34 (5m) (em) of the statutes is created to read:

22 49.34 **(5m)** (em) Notwithstanding par. (b) 1. and 2., a county department under
23 s. 46.215, 51.42, or 51.437 providing client services in a county having a population
24 of 500,000 or more or a nonstock, nonprofit corporation providing client services in
25 such a county may not retain a surplus under par. (b) 1. or accumulate funds under

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1 par. (b) 2. from revenues that are used to meet the maintenance-of-effort
2 requirement under the federal temporary assistance for needy families program
3 under 42 USC 601 to 619.

4 **SECTION 1507.** 49.345 of the statutes is created to read:

5 **49.345 Cost of care and maintenance; liability; collection and**
6 **deportation counsel; collections; court actions; recovery. (1)** Liability and
7 the collection and enforcement of such liability for the care, maintenance, services,
8 and supplies specified in this section are governed exclusively by this section, except
9 in cases of child support ordered by a court under s. 48.355 (2) (b) 4., 48.357 (5m) (a),
10 or 48.363 (2) or ch. 767.

11 **(2)** Except as provided in sub. (14) (b) and (c), any person, including but not
12 limited to a person placed under s. 48.345 (3) or 48.357 (1) or (2m), receiving care,
13 maintenance, services, and supplies provided by any institution in this state, in
14 which the state is chargeable with all or part of the person's care, maintenance,
15 services, and supplies, and the person's property and estate, including the
16 homestead, and the spouse of the person, and the spouse's property and estate,
17 including the homestead, and, in the case of a minor child, the parents of the person,
18 and their property and estates, including their homestead, and, in the case of a
19 foreign child described in s. 48.839 (1) who became dependent on public funds for his
20 or her primary support before an order granting his or her adoption, the resident of
21 this state appointed guardian of the child by a foreign court who brought the child
22 into this state for the purpose of adoption, and his or her property and estate,
23 including his or her homestead, shall be liable for the cost of the care, maintenance,
24 services, and supplies in accordance with the fee schedule established by the
25 department under s. 49.32 (1). If a spouse, widow, or minor, or an incapacitated

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1 person may be lawfully dependent upon the property for his or her support, the court
2 shall release all or such part of the property and estate from the charges that may
3 be necessary to provide for the person. The department shall make every reasonable
4 effort to notify the liable persons as soon as possible after the beginning of the
5 maintenance, but the notice or the receipt thereof is not a condition of liability.

6 **(3)** After investigation of the liable persons' ability to pay, the department shall
7 make collection from the person who in the opinion of the department under all of
8 the circumstances is best able to pay, giving due regard to relationship and the
9 present needs of the person or of the lawful dependents. However, the liability of
10 relatives for maintenance shall be in the following order: first, the spouse of the
11 person; then, in the case of a minor, the parent or parents.

12 **(4)** (a) If a person liable under sub. (2) fails to make payment or enter into or
13 comply with an agreement for payment, the department may bring an action to
14 enforce the liability or may issue an order to compel payment of the liability. Any
15 person aggrieved by an order issued by the department under this paragraph may
16 appeal the order as a contested case under ch. 227 by filing with the department a
17 request for a hearing within 30 days after the date of the order.

18 (b) If judgment is rendered in an action brought under par. (a) for any balance
19 that is 90 or more days past due, interest at the rate of 12 percent per year shall be
20 computed by the clerk and added to the liable person's costs. That interest shall
21 begin on the date on which payment was due and shall end on the day before the date
22 of any interest that is computed under s. 814.04 (4).

23 (c) If the department issues an order to compel payment under par. (a), interest
24 at the rate of 12 percent per year shall be computed by the department and added

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1 at the time of payment to the person's liability. That interest shall begin on the date
2 on which payment was due and shall end on the day before the date of final payment.

3 (5) If any person named in an order to compel payment issued under sub. (4)
4 (a) fails to pay the department any amount due under the terms of the order, and no
5 contested case to review the order is pending, and the time for filing for a contested
6 case review has expired, the department may present a certified copy of the order to
7 the circuit court for any county. The circuit court shall, without notice, render
8 judgment in accordance with the order. A judgment rendered under this subsection
9 shall have the same effect and shall be entered in the judgment and lien docket and
10 may be enforced in the same manner as if the judgment had been rendered in an
11 action tried and determined by the circuit court.

12 (6) The sworn statement of the collection and deportation counsel, or of the
13 secretary, shall be evidence of the fee and of the care and services received by the
14 person.

15 (7) The department shall administer and enforce this section. It shall appoint
16 an attorney to be designated "collection and deportation counsel" and other
17 necessary assistants. The department may delegate to the collection and
18 deportation counsel such other powers and duties as it considers advisable. The
19 collection and deportation counsel or any of the assistants may administer oaths,
20 take affidavits and testimony, examine public records, and subpoena witnesses and
21 the production of books, papers, records, and documents material to any matter of
22 proceeding relating to payments for the cost of maintenance. The department shall
23 encourage agreements or settlements with the liable person, having due regard to
24 ability to pay and the present needs of lawful dependents.

25 (8) The department may do any of the following:

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1 (a) Appear for the state in any and all collection and deportation matters
2 arising in the several courts, and may commence suit in the name of the department
3 to recover the cost of maintenance against the person liable therefor.

4 (b) Determine whether any person is subject to deportation, and on behalf of
5 this state enter into reciprocal agreements with other states for deportation and
6 importation of persons who are public charges, upon such terms as will protect the
7 state's interests and promote mutual amicable relations with other states.

8 (c) From time to time investigate the financial condition and needs of persons
9 liable under sub. (2), their present ability to maintain themselves, the persons legally
10 dependent upon them for support, the protection of the property and investments
11 from which they derive their living and their care and protection, for the purpose of
12 ascertaining the person's ability to make payment in whole or in part.

13 (d) After due regard to the case and to a spouse and minor children who are
14 lawfully dependent on the property for support, compromise or waive any portion of
15 any claim of the state or county for which a person specified under sub. (2) is liable,
16 but not any claim payable by an insurer under s. 632.89 (2) or (2m) or by any other
17 3rd party.

18 (e) Make an agreement with a person who is liable under sub. (2), or who may
19 be willing to assume the cost of maintenance of any person, providing for the
20 payment of such costs at a specified rate or amount.

21 (f) Make adjustment and settlement with the several counties for their proper
22 share of all moneys collected.

23 (g) Pay quarterly from the appropriation under s. 20.437 (1) (gg) the collection
24 moneys due county departments under ss. 46.22 and 46.23. Payments shall be made
25 as soon after the close of each quarter as is practicable.

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1 **(9)** Any person who willfully testifies falsely as to any material matter in an
2 investigation or proceeding under this section shall be guilty of perjury. Banks,
3 employers, insurers, savings banks, savings and loan associations, brokers, and
4 fiduciaries, upon request of the department, shall furnish in writing and duly
5 certified, full information regarding the property, earnings, or income or any funds
6 deposited to the credit of or owing to any person liable under sub. (2). That certified
7 statement shall be admissible in evidence in any action or proceeding to compel
8 payment under this section, and shall be evidence of the facts stated in the certified
9 statement, if a copy of the statement is served upon the party sought to be charged
10 not less than 3 days before the hearing.

11 **(10)** The department shall make all reasonable and proper efforts to collect all
12 claims for maintenance, to keep payments current, and periodically to review all
13 unpaid claims.

14 **(11)** (a) Except as provided in par. (b), in any action to recover from a person
15 liable under this section, the statute of limitations may be pleaded in defense.

16 (b) If a person who is liable under this section is deceased, a claim may be filed
17 against the decedent's estate and the statute of limitations specified in s. 859.02 shall
18 be exclusively applicable. This paragraph applies to liability incurred on or after
19 July 20, 1985.

20 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person specified in
21 sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years of age in
22 residential, nonmedical facilities such as group homes, foster homes, treatment
23 foster homes, subsidized guardianship homes, and residential care centers for
24 children and youth is determined in accordance with the cost-based fee established
25 under s. 49.32 (1). The department shall bill the liable person up to any amount of

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1 liability not paid by an insurer under s. 632.89 (2) or (2m) or by other 3rd-party
2 benefits, subject to rules that include formulas governing ability to pay established
3 by the department under s. 49.32 (1). Any liability of the person not payable by any
4 other person terminates when the person reaches age 18, unless the liable person has
5 prevented payment by any act or omission.

6 (b) Except as provided in par. (c), and subject to par. (cm), liability of a parent
7 specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the parent's minor
8 child who has been placed by a court order under s. 48.355 or 48.357 in a residential,
9 nonmedical facility such as a group home, foster home, treatment foster home,
10 subsidized guardianship home, or residential care center for children and youth
11 shall be determined by the court by using the percentage standard established by the
12 department under s. 49.22 (9) and by applying the percentage standard in the
13 manner established by the department under par. (g).

14 (c) Upon request by a parent, the court may modify the amount of child support
15 payments determined under par. (b), subject to par. (cm), if, after considering the
16 following factors, the court finds by the greater weight of the credible evidence that
17 the use of the percentage standard is unfair to the child or to either of the parents:

18 1. The needs of the child.

19 2. The physical, mental, and emotional health needs of the child, including any
20 costs for the child's health insurance provided by a parent.

21 3. The standard of living and circumstances of the parents, including the needs
22 of each parent to support himself or herself at a level equal to or greater than that
23 established under 42 USC 9902 (2).

24 4. The financial resources of the parents.

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1 5. The earning capacity of each parent, based on each parent's education,
2 training, and work experience and based on the availability of work in or near the
3 parent's community.

4 6. The need and capacity of the child for education, including higher education.

5 7. The age of the child.

6 8. The financial resources and the earning ability of the child.

7 9. The needs of any person, including dependent children other than the child,
8 whom either parent is legally obligated to support.

9 10. The best interests of the child, including, but not limited to, the impact on
10 the child of expenditures by the family for improvement of any conditions in the home
11 that would facilitate the reunification of the child with the child's family, if
12 appropriate, and the importance of a placement that is the least restrictive of the
13 rights of the child and the parents and the most appropriate for meeting the needs
14 of the child and the family.

15 11. Any other factors that the court in each case determines are relevant.

16 (cm) 1. Except as provided in subd. 2., if a parent who is required to pay child
17 support under par. (b) or (c) is receiving adoption assistance under s. 48.975 for the
18 child for whom support is ordered, the amount of the child support payments
19 determined under par. (b) or (c) may not exceed the amount of the adoption assistance
20 maintenance payments under s. 48.975 (3) (a). If an agreement under s. 48.975 (4)
21 is in effect that provides for a payment of \$0 under s. 48.975 (3) (a), the payment of
22 \$0 shall be considered to be an adoption assistance maintenance payment for
23 purposes of this subdivision.

24 2. Subdivision 1. does not apply if, after considering the factors under par. (c)
25 1. to 11., the court finds by the greater weight of the credible evidence that limiting

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1 the amount of the child support payments to the amount of the adoption assistance
2 maintenance payments under s. 48.975 (3) (a) is unfair to the child or to either of the
3 parents.

4 (d) If the court finds under par. (c) that use of the percentage standard is unfair
5 to the minor child or either of the parents, the court shall state in writing or on the
6 record the amount of support that would be required by using the percentage
7 standard, the amount by which the court's order deviates from that amount, its
8 reasons for finding that use of the percentage standard is unfair to the child or the
9 parent, its reasons for the amount of the modification, and the basis for the
10 modification.

11 (e) 1. An order issued under s. 48.355 (2) (b) 4., 48.357 (5m) (a), or 48.363 (2)
12 for support determined under this subsection constitutes an assignment of all
13 commissions, earnings, salaries, wages, pension benefits, benefits under ch. 102 or
14 108, and other money due or to be due in the future to the county department under
15 s. 46.22 or 46.23 in the county where the order was entered or to the department,
16 depending upon the placement of the child as specified by rules promulgated under
17 subd. 5. The assignment shall be for an amount sufficient to ensure payment under
18 the order.

19 2. Except as provided in subd. 3., for each payment made under the assignment,
20 the person from whom the payer under the order receives money shall receive an
21 amount equal to the person's necessary disbursements, not to exceed \$3, which shall
22 be deducted from the money to be paid to the payer.

23 3. Benefits under ch. 108 may be assigned and withheld only in the manner
24 provided in s. 108.13 (4). Any order to withhold benefits under ch. 108 shall be for
25 an amount certain. When money is to be withheld from these benefits, no fee may

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1 be deducted from the amount withheld and no fine may be levied for failure to
2 withhold the money.

3 4. No employer may use an assignment under this paragraph as a basis for the
4 denial of employment to a person, the discharge of an employee, or any disciplinary
5 action against an employee. An employer who denies employment or discharges or
6 disciplines an employee in violation of this subdivision may be fined not more than
7 \$500 and may be required to make full restitution to the aggrieved person, including
8 reinstatement and back pay. Except as provided in this subdivision, restitution shall
9 be in accordance with s. 973.20. An aggrieved person may apply to the district
10 attorney or to the department of workforce development for enforcement of this
11 subdivision.

12 5. The department shall promulgate rules for the operation and
13 implementation of assignments under this paragraph.

14 (f) If the amount of the child support determined under this subsection is
15 greater than the cost for the care and maintenance of the minor child in the
16 residential, nonmedical facility, the assignee under par. (e) 1. shall expend or
17 otherwise dispose of any funds that are collected in excess of the cost of such care and
18 maintenance in a manner that the assignee determines will serve the best interests
19 of the minor child.

20 **(16)** The department shall delegate to county departments under ss. 46.22 and
21 46.23 or the local providers of care and services meeting the standards established
22 by the department under s. 49.34 the responsibilities vested in the department under
23 this section for collection of fees for services other than those provided at state
24 facilities, if the county departments or providers meet the conditions that the
25 department determines are appropriate. The department may delegate to county

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1 departments under ss. 46.22 and 46.23 the responsibilities vested in the department
2 under this section for collection of fees for services provided at the state facilities if
3 the necessary conditions are met.

4 **SECTION 1508.** 49.35 (1) (a) of the statutes is amended to read:

5 49.35 (1) (a) The department shall supervise the administration of programs
6 under this subchapter and ch. 48. The department shall submit to the federal
7 authorities state plans for the administration of programs under this subchapter and
8 ch. 48 in such form and containing such information as the federal authorities
9 require, and shall comply with all requirements prescribed to ensure their
10 correctness.

11 **SECTION 1509.** 49.35 (1) (b) of the statutes is amended to read:

12 49.35 (1) (b) All records of the department and all county records relating to
13 programs under this subchapter and ch. 48 and aid under s. 49.18, 1971 stats., s.
14 49.20, 1971 stats., and s. 49.61, 1971 stats., as affected by chapter 90, laws of 1973,
15 shall be open to inspection at all reasonable hours by authorized representatives of
16 the federal government. Notwithstanding ss. 48.396 (2) and 938.396 (2), all county
17 records relating to the administration of the services and public assistance specified
18 in this paragraph shall be open to inspection at all reasonable hours by authorized
19 representatives of the department.

20 **SECTION 1510.** 49.35 (2) of the statutes is amended to read:

21 49.35 (2) The county administration of all laws relating to programs under this
22 subchapter and ch. 48 shall be vested in the officers and agencies designated in the
23 statutes.

24 **SECTION 1511.** 49.36 (2) of the statutes is amended to read:

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1 49.36 (2) The department may contract with any county, tribal governing body,
2 or Wisconsin Works agency to administer a work experience and job training
3 program for parents who are not custodial parents and who fail to pay child support
4 or to meet their children's needs for support as a result of unemployment or
5 underemployment. The program may provide the kinds of work experience and job
6 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
7 (3), (3m), or (4). The program may also include job search and job orientation
8 activities. The department shall fund the program from the appropriations under
9 s. 20.445 (3) (dz) and (k).

10 **SECTION 1512.** 49.36 (2) of the statutes, as affected by 2007 Wisconsin Act
11 (this act), is amended to read:

12 49.36 (2) The department may contract with any county, tribal governing body,
13 or Wisconsin Works agency to administer a work experience and job training
14 program for parents who are not custodial parents and who fail to pay child support
15 or to meet their children's needs for support as a result of unemployment or
16 underemployment. The program may provide the kinds of work experience and job
17 training services available from the program under s. 49.193, 1997 stats., or s. 49.147
18 (3), (3m), or (4). The program may also include job search and job orientation
19 activities. The department shall fund the program from the appropriations under
20 s. ~~20.445 (3)~~ 20.437 (2) (dz) and (k).

21 **SECTION 1513.** 49.45 (2) (a) 1. of the statutes is amended to read:

22 49.45 (2) (a) 1. Exercise responsibility relating to fiscal matters, the eligibility
23 for benefits under standards set forth in ss. 49.46 to 49.47 49.471, and general
24 supervision of the medical assistance program.

25 **SECTION 1514.** 49.45 (2) (a) 3. of the statutes is amended to read:

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1 49.45 (2) (a) 3. Determine the eligibility of persons for medical assistance,
2 rehabilitative, and social services under ss. 49.46, 49.468, and 49.47, and 49.471 and
3 rules and policies adopted by the department and may, under a contract under s.
4 49.78 (2), delegate all, or any portion, of this function to the county department under
5 s. 46.215, 46.22, or 46.23 or a tribal governing body.

6 **SECTION 1515.** 49.45 (2) (a) 17. of the statutes is amended to read:

7 49.45 (2) (a) 17. Notify the governor, the joint committee on legislative
8 organization, the joint committee on finance and appropriate standing committees,
9 as determined by the presiding officer of each house, if the appropriation accounts
10 under s. 20.435 (4) (b) and ~~(gp)~~ (xd) are insufficient to provide the state share of
11 medical assistance.

12 **SECTION 1516.** 49.45 (2) (b) 3. of the statutes is amended to read:

13 49.45 (2) (b) 3. Audit all claims filed by any contractor making the payment of
14 benefits paid under ss. 49.46 to 49.47 49.471 and make proper fiscal adjustments.

15 **SECTION 1517.** 49.45 (2) (b) 7. (intro.) of the statutes is amended to read:

16 49.45 (2) (b) 7. (intro.) Require, as a condition of certification under par. (a) 11.,
17 all providers of a specific service that is among those enumerated under s. 49.46 (2)
18 or, 49.47 (6) (a), or 49.471 (11), as specified in this subdivision, to file with the
19 department a surety bond issued by a surety company licensed to do business in this
20 state. Providers subject to this subdivision provide those services specified under s.
21 49.46 (2) or, 49.47 (6) (a), or 49.471 (11) for which providers have demonstrated
22 significant potential to violate s. 49.49 (1) (a), (2) (a) or (b), (3), (3m) (a), (3p), (4) (a),
23 or (4m) (a), to require recovery under par. (a) 10., or to need additional sanctions
24 under par. (a) 13. The surety bond shall be payable to the department in an amount
25 that the department determines is reasonable in view of amounts of former

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1 recoveries against providers of the specific service and the department's costs to
2 pursue those recoveries. The department shall promulgate rules to implement this
3 subdivision that specify all of the following:

4 **SECTION 1518.** 49.45 (3) (ag) of the statutes is amended to read:

5 49.45 (3) (ag) Reimbursement shall be made to each entity contracted with
6 under s. ~~46.281 (1) (e)~~ 46.283 (2) for functional screens screenings performed by the
7 entity.

8 **SECTION 1519.** 49.45 (3) (b) 1. of the statutes is amended to read:

9 49.45 (3) (b) 1. The contractor, if any, administering benefits or providing
10 prepaid health care under s. 49.46, 49.465, 49.468 ~~or~~, 49.47, or 49.471 shall be
11 entitled to payment from the department for benefits so paid or prepaid health care
12 so provided or made available when a certification of eligibility is properly on file
13 with the contractor in addition to the payment of administrative expense incurred
14 pursuant to the contract and as provided in sub. (2) (a) 4., but the contractor shall
15 not be reimbursed for benefits erroneously paid where no certification is on file.

16 **SECTION 1520.** 49.45 (3) (b) 2. of the statutes is amended to read:

17 49.45 (3) (b) 2. The contractor, if any, insuring benefits under s. 49.46, 49.465,
18 49.468 ~~or~~, 49.47, or 49.471 shall be entitled to receive a premium, in an amount and
19 on terms agreed, for such benefits for the persons eligible to receive them and for its
20 services as insurer.

21 **SECTION 1521.** 49.45 (3) (dm) of the statutes is amended to read:

22 49.45 (3) (dm) After distribution of computer software has been made under
23 1993 Wisconsin Act 16, section 9126 (13h), no payment may be made for home health
24 care services provided to persons who are enrolled in the federal medicare program
25 and are recipients of medical assistance under s. 49.46 ~~or~~, 49.47, or 49.471 unless the

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1 provider of the services has in use the computer software to maximize payments
2 under the federal medicare program under 42 USC 1395.

3 **SECTION 1522.** 49.45 (3) (f) 2. of the statutes is amended to read:

4 49.45 (3) (f) 2. The department may deny any provider claim for reimbursement
5 which cannot be verified under subd. 1. or may recover the value of any payment
6 made to a provider which cannot be so verified. The measure of recovery will be the
7 full value of any claim if it is determined upon audit that actual provision of the
8 service cannot be verified from the provider's records or that the service provided was
9 not included in s. 49.46 (2) or 49.471 (11). In cases of mathematical inaccuracies in
10 computations or statements of claims, the measure of recovery will be limited to the
11 amount of the error.

12 **SECTION 1523.** 49.45 (3) (L) 2. of the statutes is amended to read:

13 49.45 (3) (L) 2. The department may not pay a provider for a designated health
14 service that is authorized under this section or s. 49.46 ~~or~~ 49.47, or 49.471, that is
15 provided as the result of a referral made to the provider by a physician and that,
16 under 42 USC 1396b (s), if made on behalf of a beneficiary of medicare under the
17 requirements of 42 USC 1395nn, as amended to August 10, 1993, would result in the
18 denial of payment for the service under 42 USC 1395nn.

19 **SECTION 1524.** 49.45 (3) (m) of the statutes is amended to read:

20 49.45 (3) (m) To be certified under sub. (2) (a) 11. to provide transportation by
21 specialized medical vehicle, a person must have at least one human service vehicle,
22 as defined in s. 340.01 (23g), that satisfies the requirements imposed under s. 110.05
23 for a vehicle that is used to transport a person in a wheelchair. If a certified provider
24 uses 2 or more vehicles to provide transportation by specialized medical vehicle, at
25 least 2 of the vehicles must be human service vehicles that satisfy the requirements

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1 imposed under s. 110.05 for a vehicle that is used to transport a person in a
2 wheelchair, and any 3rd or additional vehicle must be a human service vehicle to
3 which the equipment required under s. 110.05 for transporting a person in a
4 wheelchair may be added. The department shall pay for transportation by
5 specialized medical vehicle under s. 49.46 (2) (b) 3. or 49.471 (11) (m) that is provided
6 in a human service vehicle that is not equipped to transport a person in a wheelchair
7 if the person being transported does not use a wheelchair. The reimbursement rate
8 for transportation by specialized medical vehicle provided in a vehicle that is not
9 equipped to accommodate a wheelchair shall be the same as for transportation by
10 specialized medical vehicle provided in a vehicle that is equipped to accommodate a
11 wheelchair.

12 **SECTION 1525.** 49.45 (5m) (am) of the statutes is amended to read:

13 49.45 **(5m)** (am) Notwithstanding sub. (3) (e), from the appropriation accounts
14 under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), and (xd), the department shall distribute not
15 more than \$2,256,000 in each fiscal year, to provide supplemental funds to rural
16 hospitals that, as determined by the department, have high utilization of inpatient
17 services by patients whose care is provided from governmental sources, and to
18 provide supplemental funds to critical access hospitals, except that the department
19 may not distribute funds to a rural hospital or to a critical access hospital to the
20 extent that the distribution would exceed any limitation under 42 USC 1396b (i) (3).

21 **SECTION 1526.** 49.45 (6c) (d) 1. of the statutes is amended to read:

22 49.45 **(6c)** (d) 1. No payment may be made under sub. (6m) to a facility or to
23 an institution for mental diseases for the care of an individual who is otherwise
24 eligible for medical assistance under s. 49.46 ~~or~~, 49.47, or 49.471, who has
25 developmental disability or mental illness and for whom under par. (b) or (c) it is

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1 determined that he or she does not need facility care, unless it is determined that the
2 individual requires active treatment for developmental disability or active
3 treatment for mental illness and has continuously resided in a facility or institution
4 for mental diseases for at least 30 months prior to the date of the determination. If
5 that individual requires active treatment and has so continuously resided, he or she
6 shall be offered the choice of receiving active treatment for developmental disability
7 or active treatment for mental illness in the facility or institution for mental diseases
8 or in an alternative setting. A facility resident who has developmental disability or
9 mental illness, for whom under par. (c) it is determined that he or she does not need
10 facility care and who has not continuously resided in a facility for at least 30 months
11 prior to the date of the determination, may not continue to reside in the facility after
12 December 31, 1993, and shall, if the department so determines, be relocated from the
13 facility after March 31, 1990, and before December 31, 1993. The county department
14 shall be responsible for securing alternative residence on behalf of an individual who
15 is required to be relocated from a facility under this subdivision, and the facility shall
16 cooperate with the county department in the relocation.

17 **SECTION 1527.** 49.45 (6c) (d) 2. of the statutes is amended to read:

18 49.45 **(6c)** (d) 2. Payment may be made under sub. (6m) to a facility or
19 institution for mental diseases for the care of an individual who is otherwise eligible
20 for medical assistance under s. 49.46 ~~or~~ 49.47, or 49.471 and who has developmental
21 disability or mental illness and is determined under par. (b) or (c) to need facility care,
22 regardless of whether it is determined under par. (b) or (c) that the individual does
23 or does not require active treatment for developmental disability or active treatment
24 for mental illness.

25 **SECTION 1528.** 49.45 (6m) (ag) (intro.) of the statutes is amended to read:

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1 49.45 **(6m)** (ag) (intro.) Payment for care provided in a facility under this
2 subsection made under s. 20.435 (4) (b), ~~(gp)~~, (o), (pa), ~~or~~ (w), or (xd) shall, except as
3 provided in pars. (bg), (bm), and (br), be determined according to a prospective
4 payment system updated annually by the department. The payment system shall
5 implement standards that are necessary and proper for providing patient care and
6 that meet quality and safety standards established under subch. II of ch. 50 and ch.
7 150. The payment system shall reflect all of the following:

8 **SECTION 1529.** 49.45 (6m) (ap) of the statutes is repealed.

9 **SECTION 1530.** 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

10 49.45 **(6m)** (ar) 1. a. The department shall establish standards for payment of
11 allowable direct care costs under par. (am) 1. bm., for facilities that do not primarily
12 serve the developmentally disabled, that take into account direct care costs for a
13 sample of all of those facilities in this state and separate standards for payment of
14 allowable direct care costs, for facilities that primarily serve the developmentally
15 disabled, that take into account direct care costs for a sample of all of those facilities
16 in this state. The standards shall be adjusted by the department for regional labor
17 cost variations. The department shall treat as a single labor region the counties of
18 Dane, Iowa, Columbia, and Sauk, and Rock. For facilities in Douglas, Pierce, and St.
19 Croix counties, the department shall perform the adjustment by use of the wage
20 index that is used by the federal department of health and human services for
21 hospital reimbursement under 42 USC 1395 to 1395ggg.

22 **SECTION 1531.** 49.45 (6m) (br) 1. of the statutes is amended to read:

23 49.45 **(6m)** (br) 1. Notwithstanding s. 20.410 (3) (cd), (ko), or (r), 20.435 (4) (bt)
24 or (7) (b), or 20.445 (3) (dz), the department shall reduce allocations of funds to
25 counties in the amount of the disallowance from the appropriation account under s.

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1 20.435 (4) (bt) or (7) (b), or the department shall direct the department of workforce
2 development to reduce allocations of funds to counties or Wisconsin works agencies
3 in the amount of the disallowance from the appropriation account under s. 20.445 (3)
4 (dz) or direct the department of corrections to reduce allocations of funds to counties
5 in the amount of the disallowance from the appropriation account under s. 20.410 (3)
6 (cd), (ko), or (r) in accordance with s. 16.544 to the extent applicable.

7 **SECTION 1532.** 49.45 (6m) (br) 1. of the statutes, as affected by 2007 Wisconsin
8 Act (this act), is amended to read:

9 49.45 **(6m)** (br) 1. Notwithstanding s. 20.410 (3) (cd), (ko), or (r), 20.435 (4) (bt)
10 or (7) (b) or ~~20.445 (3)~~ 20.437 (2) (dz), the department shall reduce allocations of funds
11 to counties in the amount of the disallowance from the appropriation account under
12 s. 20.435 (4) (bt) or (7) (b), or the department shall direct the department of workforce
13 development children and families to reduce allocations of funds to counties or
14 Wisconsin works Works agencies in the amount of the disallowance from the
15 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (dz) or direct the department of
16 corrections to reduce allocations of funds to counties in the amount of the
17 disallowance from the appropriation account under s. 20.410 (3) (cd), (ko), or (r) in
18 accordance with s. 16.544 to the extent applicable.

19 **SECTION 1533.** 49.45 (6m) (m) of the statutes is created to read:

20 49.45 **(6m)** (m) To hold a bed in a facility, the department may pay the full
21 payment rate under this subsection for up to 30 days for services provided to a person
22 during the pendency of an undue hardship determination, as provided in s. 49.453
23 (8) (b) 3.

24 **SECTION 1534.** 49.45 (6v) (b) of the statutes is amended to read:

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1 49.45 **(6v)** (b) The department shall, each year, submit to the joint committee
2 on finance a report for the previous fiscal year, except for the 1997–98 fiscal year, that
3 provides information on the utilization of beds by recipients of medical assistance in
4 facilities and a discussion and detailed projection of the likely balances,
5 expenditures, encumbrances and carry over of currently appropriated amounts in
6 the appropriation accounts under s. 20.435 (4) (b), ~~(gp)~~, and (o), and (xd).

7 **SECTION 1535.** 49.45 (6x) (a) of the statutes is amended to read:

8 49.45 **(6x)** (a) Notwithstanding sub. (3) (e), from the appropriation accounts
9 under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), and (xd), the department shall distribute not
10 more than \$4,748,000 in each fiscal year, to provide funds to an essential access city
11 hospital, except that the department may not allocate funds to an essential access
12 city hospital to the extent that the allocation would exceed any limitation under 42
13 USC 1396b (i) (3).

14 **SECTION 1536.** 49.45 (6y) (a) of the statutes is amended to read:

15 49.45 **(6y)** (a) Notwithstanding sub. (3) (e), from the appropriation accounts
16 under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), and (xd), the department ~~shall~~ may
17 distribute funding in each fiscal year to provide supplemental payment to hospitals
18 that enter into a contract under s. 49.02 (2) to provide health care services funded
19 by a relief block grant, as determined by the department, for hospital services that
20 are not in excess of the hospitals' customary charges for the services, as limited under
21 42 USC 1396b (i) (3). If no relief block grant is awarded under this chapter or if the
22 allocation of funds to such hospitals would exceed any limitation under 42 USC
23 1396b (i) (3), the department may distribute funds to hospitals that have not entered
24 into a contract under s. 49.02 (2).

25 **SECTION 1537.** 49.45 (6y) (am) of the statutes is amended to read:

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1 49.45 **(6y)** (am) Notwithstanding sub. (3) (e), from the appropriation accounts
2 under s. 20.435 (4) (b), (h), ~~(gp)~~, (o), and (w), and (xd), the department shall distribute
3 funding in each fiscal year to provide supplemental payments to hospitals that enter
4 into contracts under s. 49.02 (2) with a county having a population of 500,000 or more
5 to provide health care services funded by a relief block grant, as determined by the
6 department, for hospital services that are not in excess of the hospitals' customary
7 charges for the services, as limited under 42 USC 1396b (i) (3).

8 **SECTION 1538.** 49.45 (6z) (a) (intro.) of the statutes is amended to read:

9 49.45 **(6z)** (a) (intro.) Notwithstanding sub. (3) (e), from the appropriation
10 accounts under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), and (xd), the department ~~shall~~ may
11 distribute funding in each fiscal year to supplement payment for services to hospitals
12 that enter into ~~a contract under s. 49.02 (2) to provide health care services funded~~
13 ~~by a relief block grant under this chapter~~ indigent care agreements, in accordance
14 with the approved state plan for services under 42 USC 1396a, with relief agencies
15 that administer the medical relief block grant under this chapter, if the department
16 determines that the hospitals serve a disproportionate number of low-income
17 patients with special needs. If no medical relief block grant under this chapter is
18 awarded or if the allocation of funds to such hospitals would exceed any limitation
19 under 42 USC 1396b (i) (3), the department may distribute funds to hospitals that
20 have not entered into ~~a contract under s. 49.02 (2)~~ indigent care agreements. The
21 department may not distribute funds under this subsection to the extent that the
22 distribution would do any of the following:

23 **SECTION 1539.** 49.45 (8) (a) 4. of the statutes is amended to read:

24 49.45 **(8)** (a) 4. "Patient care visit" means a personal contact with a patient in
25 a patient's home that is made by a registered nurse, licensed practical nurse, home

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1 health aide, physical therapist, occupational therapist, or speech-language
2 pathologist who is on the staff of or under contract or arrangement with a home
3 health agency, or by a registered nurse or licensed practical nurse practicing
4 independently, to provide a service that is covered under s. 49.46 ~~or~~, 49.47, or 49.471.
5 “Patient care visit” does not include time spent by a nurse, therapist, or home health
6 aide on case management, care coordination, travel, record keeping, or supervision
7 that is related to the patient care visit.

8 **SECTION 1540.** 49.45 (8) (b) of the statutes is amended to read:

9 49.45 **(8)** (b) Reimbursement under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w), and (xd)
10 for home health services provided by a certified home health agency or independent
11 nurse shall be made at the home health agency’s or nurse’s usual and customary fee
12 per patient care visit, subject to a maximum allowable fee per patient care visit that
13 is established under par. (c).

14 **SECTION 1541.** 49.45 (9) of the statutes is amended to read:

15 49.45 **(9)** FREE CHOICE. Any person eligible for medical assistance under ss. s.
16 49.46, 49.468 ~~and~~, 49.47, or 49.471 may use the physician, chiropractor, dentist,
17 pharmacist, hospital, skilled nursing home, health maintenance organization,
18 limited service health organization, preferred provider plan or other licensed,
19 registered or certified provider of health care of his or her choice, except that free
20 choice of a provider may be limited by the department if the department’s alternate
21 arrangements are economical and the recipient has reasonable access to health care
22 of adequate quality. The department may also require a recipient to designate, in any
23 or all categories of health care providers, a primary health care provider of his or her
24 choice. After such a designation is made, the recipient may not receive services from
25 other health care providers in the same category as the primary health care provider

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1 unless such service is rendered in an emergency or through written referral by the
2 primary health care provider. Alternate designations by the recipient may be made
3 in accordance with guidelines established by the department. Nothing in this
4 subsection shall vitiate the legal responsibility of the physician, chiropractor,
5 dentist, pharmacist, skilled nursing home, hospital, health maintenance
6 organization, limited service health organization, preferred provider plan or other
7 licensed, registered or certified provider of health care to patients. All contract and
8 tort relationships with patients shall remain, notwithstanding a written referral
9 under this section, as though dealings are direct between the physician, chiropractor,
10 dentist, pharmacist, skilled nursing home, hospital, health maintenance
11 organization, limited service health organization, preferred provider plan or other
12 licensed, registered or certified provider of health care and the patient. No physician,
13 chiropractor, pharmacist or dentist may be required to practice exclusively in the
14 medical assistance program.

15 **SECTION 1542.** 49.45 (18) (ac) of the statutes is amended to read:

16 49.45 **(18)** (ac) Except as provided in pars. (am) to (d), and subject to par. (ag),
17 any person eligible for medical assistance under s. 49.46, 49.468, or 49.47, or for the
18 benefits under s. 49.46 (2) (a) and (b) under s. 49.471 shall pay up to the maximum
19 amounts allowable under 42 CFR 447.53 to 447.58 for purchases of services provided
20 under s. 49.46 (2). The service provider shall collect the specified or allowable
21 copayment, coinsurance, or deductible, unless the service provider determines that
22 the cost of collecting the copayment, coinsurance, or deductible exceeds the amount
23 to be collected. The department shall reduce payments to each provider by the
24 amount of the specified or allowable copayment, coinsurance, or deductible. No
25 provider may deny care or services because the recipient is unable to share costs, but

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1 an inability to share costs specified in this subsection does not relieve the recipient
2 of liability for these costs.

3 **SECTION 1543.** 49.45 (18) (am) of the statutes is amended to read:

4 49.45 (18) (am) No person is liable under this subsection for services provided
5 through prepayment contracts. This paragraph does not apply to a person who is
6 eligible for the benefits under s. 49.46 (2) (a) and (b) under s. 49.471.

7 **SECTION 1544.** 49.45 (18m) of the statutes is created to read:

8 49.45 (18m) MEDICARE PART B ENROLLMENT AND PREMIUM PAYMENT. (a) The
9 department may require an individual who is eligible for Medicare Part B under 42
10 USC 1395j to 1395L and who also is eligible for any of the following medical
11 assistance services under any of the following to enroll in Medicare Part B as a
12 condition of receiving those medical assistance services:

- 13 1. Medical assistance services under s. 49.46, 49.47, or 49.472.
- 14 2. Health care coverage under the Badger Care health care program under s.
15 49.665.
- 16 3. Services under s. 46.27 (11), 46.275, 46.277, 46.278, or 46.2785.
- 17 4. Medical assistance services provided as part of a family care benefit, as
18 defined in s. 46.2805 (4).
- 19 5. Services provided under a waiver requested under 2001 Wisconsin Act 16,
20 section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c).
- 21 6. Services provided under the program of all-inclusive care for persons aged
22 55 or older authorized under 42 USC 1396u-4.
- 23 7. Services provided under the demonstration program under a federal waiver
24 authorized under 42 USC 1315.

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1 (b) If the department requires an individual specified in par. (a) to enroll in
2 Medicare Part B, the department shall pay the monthly premiums for the coverage
3 under Medicare Part B.

4 **SECTION 1545.** 49.45 (18m) (a) 1. of the statutes, as created by 2007 Wisconsin
5 Act (this act), is amended to read:

6 49.45 **(18m)** (a) 1. Medical assistance services under s. 49.46, 49.47, 49.471, or
7 49.472.

8 **SECTION 1546.** 49.45 (23) of the statutes is created to read:

9 49.45 **(23)** ASSISTANCE FOR CHILDLESS ADULTS DEMONSTRATION PROJECT. (a) The
10 department shall request a waiver from the secretary of the federal department of
11 health and human services to permit the department to conduct a demonstration
12 project to provide health care coverage for basic primary and preventive care to
13 adults who are under the age of 65, who have family incomes not to exceed 200
14 percent of the poverty line, and who are not otherwise eligible for medical assistance
15 under this subchapter, the Badger Care health care program under s. 49.665, or
16 Medicare under 42 USC 1395 et seq. Any individual who had coverage under the
17 Health Insurance Risk-Sharing Plan under subch. II of ch. 149 within 6 months
18 before applying for the project under this subsection is not eligible to participate in
19 the project under this subsection.

20 (b) If the waiver is granted and in effect, the department may promulgate rules
21 defining the health care benefit plan, including more specific eligibility
22 requirements and cost-sharing requirements. Notwithstanding s. 227.24 (3), the
23 plan details under this subsection may be promulgated as an emergency rule under
24 s. 227.24 without a finding of emergency. If the waiver is granted and in effect, the

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1 demonstration project under this subsection shall begin on January 1, 2009, or on
2 the effective date of the waiver, whichever is later.

3 **SECTION 1547.** 49.45 (24g) of the statutes is repealed.

4 **SECTION 1548.** 49.45 (24m) (intro.) of the statutes is amended to read:

5 49.45 **(24m)** (intro.) From the appropriation accounts under s. 20.435 (4) (b),
6 ~~(gp)~~, (o), ~~and (w)~~, and (xd), in order to test the feasibility of instituting a system of
7 reimbursement for providers of home health care and personal care services for
8 medical assistance recipients that is based on competitive bidding, the department
9 shall:

10 **SECTION 1549.** 49.45 (24r) of the statutes is amended to read:

11 49.45 **(24r)** FAMILY PLANNING DEMONSTRATION PROJECT. The department shall
12 request ~~a~~ an amended waiver from the secretary of the federal department of health
13 and human services to permit the department to conduct a demonstration project to
14 provide family planning services, as defined in s. 253.07 (1) ~~(b)~~ (a), under medical
15 assistance to any woman or man between the ages of 15 and 44 whose family income
16 does not exceed ~~185%~~ 200 percent of the poverty line for a family the size of the
17 woman's or man's family. If The department shall implement any waiver granted
18 and, if the amendment to the waiver is granted and in effect, the department shall
19 implement the amended waiver no later than ~~July 1, 1998~~ January 1, 2008, or on the
20 federally approved effective date of the amended waiver, whichever is later.

21 **SECTION 1550.** 49.45 (29) of the statutes is amended to read:

22 49.45 **(29)** HOSPICE REIMBURSEMENT. The department shall promulgate rules
23 limiting aggregate payments made to a hospice under ss. 49.46 ~~and~~, 49.47, and
24 49.471.

25 **SECTION 1551.** 49.45 (31) of the statutes is repealed.

SENATE BILL 40**SECTION 1552**

1 **SECTION 1552.** 49.45 (35) of the statutes is repealed.

2 **SECTION 1553.** 49.45 (40) of the statutes is amended to read:

3 49.45 **(40)** PERIODIC RECORD MATCHES. If the department contracts with the
4 department of ~~workforce development~~ children and families under s. 49.197 (5), the
5 department shall cooperate with the department of ~~workforce development~~ children
6 and families in matching records of medical assistance recipients under s. 49.32 (7).

7 **SECTION 1554.** 49.45 (42m) (a) of the statutes is amended to read:

8 49.45 **(42m)** (a) If, in authorizing the provision of physical or occupational
9 therapy services under s. 49.46 (2) (b) 6. b. or 49.471 (11) (i), the department
10 authorizes a reduced duration of services from the duration that the provider
11 specifies in the authorization request, the department shall substantiate the
12 reduction that the department made in the duration of the services if the provider
13 of the services requests any additional authorizations for the provision of physical
14 or occupational therapy services to the same individual.

15 **SECTION 1555.** 49.45 (48) of the statutes is amended to read:

16 49.45 **(48)** PAYMENT OF MEDICARE PART B OUTPATIENT HOSPITAL SERVICES
17 COINSURANCES. The department shall include in the state plan for medical assistance
18 a methodology for payment of the medicare part B outpatient hospital services
19 coinsurance amounts that are authorized under ss. 49.46 (2) (c) 2., 4., and 5m., 49.468
20 (1) (b), ~~and~~ 49.47 (6) (a) 6. b., d., and f., and 49.471 (6) (j) 1.

21 **SECTION 1556.** 49.45 (49m) (c) 1. of the statutes is amended to read:

22 49.45 **(49m)** (c) 1. A list of the prescription drugs that are included as a benefit
23 under s. ss. 49.46 (2) (b) 6. h. and 49.471 (11) (a) that identifies preferred choices
24 within therapeutic classes and includes prescription drugs that bear only generic
25 names.

SENATE BILL 40**SECTION 1557**

1 **SECTION 1557.** 49.45 (52) of the statutes is amended to read:

2 49.45 **(52)** PAYMENT ADJUSTMENTS. Beginning on January 1, 2003, the
3 department may, from the appropriation account under s. 20.435 (7) (b), make
4 Medical Assistance payment adjustments to county departments under s. 46.215,
5 46.22, 46.23, or 51.42, or 51.437 or to local health departments, as defined in s. 250.01
6 (4), as appropriate, for covered services under s. 49.46 (2) (a) 2. and 4. d. and f. and
7 (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13., 15., and 16. Payment
8 adjustments under this subsection shall include the state share of the payments.
9 The total of any payment adjustments under this subsection and Medical Assistance
10 payments made from appropriation accounts under s. 20.435 (4) (b), ~~(gp)~~, (o), and (w),
11 and (xd) may not exceed applicable limitations on payments under 42 USC 1396a (a)
12 (30) (A).

13 **SECTION 1558.** 49.45 (53) of the statutes is amended to read:

14 49.45 **(53)** PAYMENTS FOR CERTAIN SERVICES. Beginning on January 1, 2003, the
15 department may, from the appropriation account under s. 20.435 (7) (b), make
16 Medical Assistance payments to providers for covered services under s. ~~ss.~~ 49.46 (2)
17 (a) 4. d. and (b) 6. j. and m. and 49.471 (11) (f).

18 **SECTION 1559.** 49.45 (54) of the statutes is created to read:

19 49.45 **(54)** MANAGED CARE PILOT PROGRAM FOR LONG-TERM CARE OF CHILDREN WITH
20 DISABILITIES. The department shall seek waivers of federal medical assistance
21 statutes and regulations from the federal department of health and human services
22 necessary to implement, in at least 3 pilot sites, a program of managed care for the
23 long-term care of children with disabilities.

24 **SECTION 1560.** 49.453 (1) (a) of the statutes is amended to read:

25 49.453 **(1)** (a) “Assets” has the meaning given in 42 USC 1396p (e) (h) (1).

SENATE BILL 40**SECTION 1561**

1 **SECTION 1561.** 49.453 (1) (ar) of the statutes is created to read:

2 49.453 (1) (ar) “Community spouse” means the spouse of either the
3 institutionalized person or the noninstitutionalized person.

4 **SECTION 1562.** 49.453 (1) (d) of the statutes is amended to read:

5 49.453 (1) (d) “Income” has the meaning given in 42 USC 1396p (e) (h) (2).

6 **SECTION 1563.** 49.453 (1) (e) of the statutes is amended to read:

7 49.453 (1) (e) “Institutionalized individual” has the meaning given in 42 USC
8 1396p (e) (h) (3).

9 **SECTION 1564.** 49.453 (1) (f) (intro.) of the statutes is amended to read:

10 49.453 (1) (f) (intro.) “Look-back date” means ~~for a covered individual,~~ either
11 of the following:

12 1m. For transfers made before February 8, 2006, the date that is 36 months
13 before, or with respect to payments from a trust or portions of a trust that are treated
14 as assets transferred by the covered individual under s. 49.454 (2) (c) or (3) (b) the
15 date that is 60 months before:

16 **SECTION 1565.** 49.453 (1) (f) 1. of the statutes is renumbered 49.453 (1) (f) 1m.

17 a.

18 **SECTION 1566.** 49.453 (1) (f) 2. of the statutes is renumbered 49.453 (1) (f) 1m.

19 b.

20 **SECTION 1567.** 49.453 (1) (f) 2m. of the statutes is created to read:

21 49.453 (1) (f) 2m. For all transfers made on or after February 8, 2006, the date
22 that is 60 months before the dates specified in subd. 1m. a. and b.

23 **SECTION 1568.** 49.453 (1) (fm) of the statutes is amended to read:

24 49.453 (1) (fm) “Noninstitutionalized individual” has the meaning given in 42
25 USC 1396p (e) (h) (4).

SENATE BILL 40**SECTION 1569**

1 **SECTION 1569.** 49.453 (1) (i) of the statutes is amended to read:

2 49.453 (1) (i) “Resources” has the meaning given in 42 USC 1396p (e) (h) (5).

3 **SECTION 1570.** 49.453 (3) (a) of the statutes is renumbered 49.453 (3) (a) (intro.)
4 and amended to read:

5 49.453 (3) (a) (intro.) The period of ineligibility under this subsection begins
6 on either of the following:

7 1. In the case of a transfer of assets made before February 8, 2006, the first day
8 of the first month beginning on or after the look-back date during or after which
9 assets have been transferred for less than fair market value and that does not occur
10 in any other periods of ineligibility under this subsection.

11 **SECTION 1571.** 49.453 (3) (a) 2. of the statutes is created to read:

12 49.453 (3) (a) 2. In the case of a transfer of assets made on or after February
13 8, 2006, the first day of a month beginning on or after the look-back date during or
14 after which assets have been transferred for less than fair market value, or the date
15 on which the individual is eligible for medical assistance and would otherwise be
16 receiving institutional level care described in sub. (2) (a) 1. to 3. based on an approved
17 application for the care but for the application of the penalty period, whichever is
18 later, and that does not occur during any other period of ineligibility under this
19 subsection.

20 **SECTION 1572.** 49.453 (3) (b) (intro.) of the statutes is amended to read:

21 49.453 (3) (b) (intro.) The Subject to par. (bc), the department shall determine
22 the number of months of ineligibility as follows:

23 **SECTION 1573.** 49.453 (3) (bc) of the statutes is created to read:

24 49.453 (3) (bc) In determining the number of months of ineligibility under par.
25 (b), with respect to asset transfers that occur after February 8, 2006, the department

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1 may not round down the quotient, or otherwise disregard any fraction of a month,
2 obtained in the division under par. (b) 3.

3 **SECTION 1574.** 49.453 (4) (a) of the statutes is renumbered 49.453 (4) (ag).

4 **SECTION 1575.** 49.453 (4) (ac) of the statutes is created to read:

5 49.453 (4) (ac) In this subsection, “transaction” means any action taken by an
6 individual that changes the course of payments to be made under an annuity or the
7 treatment of the income or principal of an annuity, including all of the following:

- 8 1. An addition of principal.
- 9 2. An elective withdrawal.
- 10 3. A request to change the distribution of the annuity.
- 11 4. An election to annuitize the contract.
- 12 5. A change in ownership.

13 **SECTION 1576.** 49.453 (4) (am) of the statutes is amended to read:

14 49.453 (4) (am) Paragraph ~~(a)~~ (ag) 1. does not apply to a variable annuity that
15 is tied to a mutual fund that is registered with the federal securities and exchange
16 commission.

17 **SECTION 1577.** 49.453 (4) (b) of the statutes is amended to read:

18 49.453 (4) (b) The amount of assets that is transferred for less than fair market
19 value under par. ~~(a)~~ (ag) is the amount by which the transferred amount exceeds the
20 expected value of the benefit.

21 **SECTION 1578.** 49.453 (4) (c) of the statutes is amended to read:

22 49.453 (4) (c) The department shall promulgate rules specifying the method to
23 be used in calculating the expected value of the benefit, based on 26 CFR 1.72-1 to
24 1.72-18, and specifying the criteria for adjusting the expected value of the benefit
25 based on a medical condition diagnosed by a physician before the assets were

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1 transferred to the annuity, or transferred by promissory note or similar instrument.
2 In calculating the amount of the divestment when a transfer to an annuity, or a
3 transfer by promissory note or similar instrument, is made, payments made to the
4 transferor in any year subsequent to the year in which the transfer was made shall
5 be discounted to the year in which the transfer was made by the applicable federal
6 rate specified under par. (a) ~~(ag)~~ on the date of the transfer.

7 **SECTION 1579.** 49.453 (4) (cm) of the statutes is created to read:

8 49.453 (4) (cm) Paragraphs (ag) to (c) apply to annuities purchased before
9 February 8, 2006, for which no transaction has occurred on or after February 8, 2006.

10 **SECTION 1580.** 49.453 (4) (d) of the statutes is created to read:

11 49.453 (4) (d) For purposes of sub. (2), the purchase of an annuity by an
12 institutionalized individual or his or her community spouse, or anyone acting on
13 their behalf, shall be treated as a transfer of assets for less than fair market value
14 unless any of the following applies:

15 1. The state is designated as the remainder beneficiary in the first position for
16 at least the total amount of medical assistance paid on behalf of the institutionalized
17 individual.

18 2. The state is named as a beneficiary in the 2nd position after the community
19 spouse or a minor or disabled child and is named in the first position if the community
20 spouse or a representative of the minor or disabled child disposes of any remainder
21 for less than fair market value.

22 3. The annuity satisfies the requirements under par. (e) 1. or 2.

23 **SECTION 1581.** 49.453 (4) (e) of the statutes is created to read:

24 49.453 (4) (e) For purposes of sub. (2), the purchase of an annuity by or on behalf
25 of an annuitant who has applied for medical assistance for nursing facility services

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1 or other long-term care services described in sub. (2) is a transfer of assets for less
2 than fair market value unless either of the following applies:

3 1. The annuity is either an annuity described in section 408 (b) or (q) of the
4 Internal Revenue Code of 1986 or purchased with proceeds from any of the following:

5 a. An account or trust described in section 408 (a), (c), or (p) of the Internal
6 Revenue Code of 1986.

7 b. A simplified employee pension, within the meaning of section 408 (k) of the
8 Internal Revenue Code of 1986.

9 c. A Roth IRA described in section 408A of the Internal Revenue Code of 1986.

10 2. All of the following apply with respect to the annuity:

11 a. The annuity is irrevocable and nonassignable.

12 b. The annuity is actuarially sound, as determined in accordance with actuarial
13 publications of the office of the chief actuary of the social security administration.

14 c. The annuity provides for payments in equal amounts during the term of the
15 annuity, with no deferral and no balloon payments made.

16 **SECTION 1582.** 49.453 (4) (em) of the statutes is created to read:

17 49.453 (4) (em) Paragraphs (d) and (e) apply to all of the following:

18 1. Annuities purchased on or after February 8, 2006.

19 2. Annuities purchased before February 8, 2006, for which a transaction has
20 occurred on or after February 8, 2006.

21 **SECTION 1583.** 49.453 (4c) of the statutes is created to read:

22 49.453 (4c) PURCHASE OF NOTE, LOAN, OR MORTGAGE. (a) For purposes of sub. (2),
23 the purchase by an individual or his or her spouse of a promissory note, loan, or
24 mortgage after February 8, 2006, is a transfer of assets for less than fair market
25 value unless all of the following apply with respect to the note, loan, or mortgage:

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- 1 1. The repayment term is actuarially sound.
- 2 2. The payments are to be made in equal amounts during the term of the loan,
- 3 with no deferral and no balloon payment.
- 4 3. Cancellation of the balance upon the death of the lender is prohibited.

5 (b) The value of a promissory note, loan, or mortgage that does not satisfy the
6 requirements under par. (a) 1. to 3. is the outstanding balance due on the date that
7 the individual applies for medical assistance for nursing facility services or other
8 long-term care services described in sub. (2).

9 **SECTION 1584.** 49.453 (4m) of the statutes is created to read:

10 49.453 (4m) PURCHASE OF LIFE ESTATE. For purposes of sub. (2), the purchase
11 by an individual or his or her spouse of a life estate in another individual's home after
12 February 8, 2006, is a transfer of assets for less than fair market value unless the
13 purchaser resides in the home for at least one year after the date of the purchase.

14 **SECTION 1585.** 49.453 (8) of the statutes is renumbered 49.453 (8) (a) (intro.)
15 and amended to read:

16 49.453 (8) (a) (intro.) Subsections (2) and (3) do not apply to transfers of assets
17 if the any of the following applies:

- 18 1. The assets are exempt under 42 USC 1396p (c) (2) or if the (A), (B), or (C).
- 19 2. The department determines under the process under par. (b) that application
20 of this section would work an undue hardship. The department shall promulgate
21 rules concerning the transfer of assets exempt under 42 USC 1396p (c) (2).

22 **SECTION 1586.** 49.453 (8) (b) of the statutes is created to read:

23 49.453 (8) (b) The department shall establish a hardship waiver process that
24 includes all of the following:

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1 1. The department determines that undue hardship exists if the application of
2 subs. (2) and (3) would deprive the individual of medical care to the extent that the
3 individual's health or life would be endangered, or would deprive the individual of
4 food, clothing, shelter, or other necessities of life.

5 2. A facility in which an institutionalized individual who has transferred assets
6 resides is permitted to file an application for undue hardship on behalf of the
7 individual with the consent of the individual or the individual's authorized
8 representative.

9 3. The department may, during the pendency of an undue hardship
10 determination, pay the full payment rate under s. 49.45 (6m) for nursing facility
11 services for up to 30 days for the individual who transferred assets, to hold a bed in
12 the facility in which the individual resides.

13 **SECTION 1587.** 49.46 (1) (a) 5. of the statutes is amended to read:

14 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, ~~kinship care,~~
15 ~~long-term kinship care,~~ treatment foster care, or subsidized guardianship
16 placement under ch. 48 or 938, as determined by the department.

17 **SECTION 1588.** 49.46 (1) (a) 14m. of the statutes is amended to read:

18 49.46 (1) (a) 14m. Any person who would meet the financial and other eligibility
19 requirements for home or community-based services under the family care benefit
20 but for the fact that the person engages in substantial gainful activity under 42 USC
21 1382c (a) (3), if a waiver under s. 46.281 (1)-(e) (1d) is in effect or federal law permits
22 federal financial participation for medical assistance coverage of the person and if
23 funding is available for the person under the family care benefit.

24 **SECTION 1589.** 49.46 (2) (b) (intro.) of the statutes is amended to read:

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1 49.46 (2) (b) (intro.) Except as provided in ~~par.~~ pars. (be) and (dc), the
2 department shall audit and pay allowable charges to certified providers for medical
3 assistance on behalf of recipients for the following services:

4 **SECTION 1590.** 49.46 (2) (b) 8. of the statutes is amended to read:

5 49.46 (2) (b) 8. Home or community-based services, if provided under s. 46.27
6 (11), 46.275, 46.277, 46.278, or 46.2785, under the family care benefit if a waiver is
7 in effect under s. 46.281 (1) ~~(e)~~ (1d), or under ~~a waiver requested under 2001~~
8 ~~Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c)~~ the
9 disabled children's long-term support program, as defined in s. 46.011 (1g).

10 **SECTION 1591.** 49.46 (2) (dc) of the statutes is created to read:

11 49.46 (2) (dc) For an individual who is eligible for medical assistance and who
12 is eligible for coverage under Part D of Medicare under 42 USC 1395w-101 et seq.,
13 benefits under par. (b) 6. h. do not include payment for any Part D drug, as defined
14 in 42 CFR 423.100, regardless of whether the individual is enrolled in Part D of
15 Medicare or whether, if the individual is enrolled, his or her Part D plan, as defined
16 in 42 CFR 423.4, covers the Part D drug.

17 **SECTION 1592.** 49.468 (1) (b) of the statutes is amended to read:

18 49.468 (1) (b) For an elderly or disabled individual who is entitled to coverage
19 under part A of medicare, entitled to coverage under part B of medicare and who does
20 not meet the eligibility criteria for medical assistance under s. 49.46 (1), 49.465 ~~or~~,
21 49.47 (4), or 49.471 but meets the limitations on income and resources under par. (d),
22 medical assistance shall pay the deductible and coinsurance portions of medicare
23 services under 42 USC 1395 to 1395zz which are not paid under 42 USC 1395 to
24 1395zz, including those medicare services that are not included in the approved state
25 plan for services under 42 USC 1396; the monthly premiums payable under 42 USC

SENATE BILL 40**SECTION 1592**

1 1395v; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late
2 enrollment penalty, if applicable, for premiums under part A of medicare. Payment
3 of coinsurance for a service under part B of medicare under 42 USC 1395j to 1395w,
4 other than payment of coinsurance for outpatient hospital services, may not exceed
5 the allowable charge for the service under medical assistance minus the medicare
6 payment.

7 **SECTION 1593.** 49.468 (1) (c) of the statutes is amended to read:

8 49.468 (1) (c) For an elderly or disabled individual who is only entitled to
9 coverage under part A of medicare and who does not meet the eligibility criteria for
10 medical assistance under s. 49.46 (1), 49.465 or 49.47 (4), or 49.471 but meets the
11 limitations on income and resources under par. (d), medical assistance shall pay the
12 deductible and coinsurance portions of medicare services under 42 USC 1395 to
13 1395i which are not paid under 42 USC 1395 to 1395i, including those medicare
14 services that are not included in the approved state plan for services under 42 USC
15 1396; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and the late
16 enrollment penalty for premiums under part A of medicare, if applicable.

17 **SECTION 1594.** 49.468 (1m) (a) of the statutes is amended to read:

18 49.468 (1m) (a) Beginning on January 1, 1993, for an elderly or disabled
19 individual who is entitled to coverage under part A of medicare and is entitled to
20 coverage under part B of medicare, does not meet the eligibility criteria for medical
21 assistance under s. 49.46 (1), 49.465 or 49.47 (4), or 49.471 but meets the limitations
22 on income and resources under par. (b), medical assistance shall pay the monthly
23 premiums under 42 USC 1395r.

24 **SECTION 1595.** 49.468 (2) (a) of the statutes is amended to read:

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1 49.468 (2) (a) Beginning on January 1, 1991, for a disabled working individual
2 who is entitled under P.L. 101–239, section 6012 (a), to coverage under part A of
3 medicare and who does not meet the eligibility criteria for medical assistance under
4 s. 49.46 (1), 49.465 ~~or~~, 49.47 (4), or 49.471 but meets the limitations on income and
5 resources under par. (b), medical assistance shall pay the monthly premiums for the
6 coverage under part A of medicare, including late enrollment fees, if applicable.

7 **SECTION 1596.** 49.47 (4) (a) (intro.) of the statutes is amended to read:

8 49.47 (4) (a) (intro.) Any individual who meets the limitations on income and
9 resources under pars. (b) ~~and~~ to (c) and who complies with ~~par. pars.~~ (cm) and (cr)
10 shall be eligible for medical assistance under this section if such individual is:

11 **SECTION 1597.** 49.47 (4) (as) 1. of the statutes is amended to read:

12 49.47 (4) (as) 1. The person would meet the financial and other eligibility
13 requirements for home or community–based services under s. 46.27 (11), 46.277, or
14 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1) ~~(e)~~
15 (1d) but for the fact that the person engages in substantial gainful activity under 42
16 USC 1382c (a) (3).

17 **SECTION 1598.** 49.47 (4) (as) 3. of the statutes is amended to read:

18 49.47 (4) (as) 3. Funding is available for the person under s. 46.27 (11), 46.277,
19 or 46.2785 or under the family care benefit if a waiver is in effect under s. 46.281 (1)
20 ~~(e)~~ (1d).

21 **SECTION 1599.** 49.47 (4) (b) 1. of the statutes is amended to read:

22 49.47 (4) (b) 1. ~~A~~ Subject to par. (bc), a home and the land used and operated
23 in connection therewith or in lieu thereof a mobile home if the home or mobile home
24 is used as the person’s or his or her family’s place of abode.

25 **SECTION 1600.** 49.47 (4) (bc) of the statutes is created to read:

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1 49.47 (4) (bc) 1. Subject to subd. 2., a person shall be ineligible under this
2 section for medical assistance for nursing facility services or other long-term care
3 services described in s. 49. 453 (2) if the equity in his or her home and the land used
4 and operated in connection with the home exceeds \$750,000. This subdivision does
5 not apply if any of the following persons lawfully resides in the home:

6 a. The person's spouse.

7 b. The person's child who is under age 21 or who is disabled, as defined in s.
8 49.468 (1) (a) 1.

9 2. Subdivision 1. applies to all of the following:

10 a. At the time of application, to a person who applies for medical assistance for
11 nursing facility services or other long-term care services described in s. 49.453 (2)
12 after the effective date of this subd. 2. a. [revisor inserts date].

13 b. At the time of the person's first recertification after the effective date of this
14 subd. 2. b. [revisor inserts date], to a person not specified in subd. 2. a. who applied
15 for medical assistance for nursing facility services or other long-term care services
16 described in s. 49.453 (2) on or after January 1, 2006, and who was eligible for medical
17 assistance for those services on the effective date of this subd. 2. b. [revisor inserts
18 date].

19 **SECTION 1601.** 49.47 (4) (bm) of the statutes is created to read:

20 49.47 (4) (bm) For purposes of determining eligibility or benefits amount for
21 a person described in par. (a) 3. or 4. who resides in a continuing care retirement
22 community or a life care community, any entrance fee paid on admission to the
23 community shall be considered a resource available to the person to the extent that
24 all of the following apply:

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1 1. The person has the ability to use the entrance fee, or the contract provides
2 that the entrance fee may be used, to pay for care if the person's other resources or
3 income are insufficient to pay for the care.

4 2. The person is eligible for a refund of any remaining entrance fee when the
5 person dies or terminates the continuing care retirement community or life care
6 community contract and leaves the community.

7 3. The entrance fee does not confer an ownership interest in the continuing care
8 retirement community or life care community.

9 **SECTION 1602.** 49.47 (4) (cr) of the statutes is created to read:

10 49.47 (4) (cr) 1. As a condition of receiving medical assistance for long-term
11 care services described in s. 49.453 (2) (a), an applicant for or recipient of the
12 long-term care services shall disclose on the application or recertification form a
13 description of any interest the individual or his or her community spouse, as defined
14 in s. 49.453 (1) (ar), has in an annuity, regardless of whether the annuity is
15 irrevocable or is treated as an asset. The application or recertification form shall
16 include a statement that the state becomes a remainder beneficiary under any
17 annuity in which the individual or his or her spouse has an interest by virtue of the
18 provision of the medical assistance. The applicant or recipient shall, no later than
19 30 days after the department receives the application or recertification form, take
20 any action required by the annuity issuer to make the state a remainder beneficiary.

21 2. The department shall notify the issuer of an annuity disclosed under subd.
22 1. of the state's right as a remainder beneficiary and shall request that the issuer
23 notify the department of any changes to or payments made under the annuity
24 contract.

25 3. This paragraph applies to all of the following:

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1 a. Annuities purchased on or after February 8, 2006.

2 b. Annuities purchased before February 8, 2006, for which a transaction, as
3 defined in s. 49.453 (4) (ac), has occurred on or after February 8, 2006.

4 **SECTION 1603.** 49.47 (6) (a) 1. of the statutes is amended to read:

5 49.47 (6) (a) 1. Except as provided in subds. 6. to 7., all beneficiaries, for all
6 services under s. 49.46 (2) (a) and (b), subject to s. 49.46 (2) (dc).

7 **SECTION 1604.** 49.47 (9m) of the statutes is repealed.

8 **SECTION 1605.** 49.471 of the statutes is created to read:

9 **49.471 BadgerCare Plus. (1) DEFINITIONS.** In this section, unless the context
10 requires otherwise:

11 (a) “BadgerCare Plus” means the Medical Assistance program described in this
12 section.

13 (b) “Caretaker relative” means an individual who is maintaining a residence
14 as a child’s home, who exercises primary responsibility for the child’s care and
15 control, including making plans for the child, and who is any of the following with
16 respect to the child:

17 1. A blood relative, including those of half–blood, and including first cousins,
18 nephews, nieces, and individuals of preceding generations as denoted by prefixes of
19 grand, great, or great–great.

20 2. A stepfather, stepmother, stepbrother, or stepsister.

21 3. An individual who is the adoptive parent of the child’s parent, a natural or
22 legally adopted child of such individual, or a relative of an adoptive parent.

23 4. A spouse of any individual named in this paragraph even if the marriage is
24 terminated by death or divorce.

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1 (c) “Child” means an individual who is under the age of 19 years. “Child”
2 includes an unborn child.

3 (d) “Essential person” means an individual who satisfies all of the following:

4 1. Is related to an individual receiving benefits under this section.

5 2. Is otherwise nonfinancially eligible, except that the individual need not have
6 a minor child under his or her care.

7 3. Provides at least one of the following to an individual receiving benefits
8 under this section:

9 a. Child care that enables a caretaker to work outside the home for at least 30
10 hours per week for pay, to receive training for at least 30 hours per week, or to attend,
11 on a full-time basis as defined by the school, high school or a course of study meeting
12 the standards established by the state superintendent of public instruction for the
13 granting of a declaration of equivalency of high school graduation under s. 115.29 (4).

14 b. Care for anyone who is incapacitated.

15 (e) “Family” means all children for whom assistance is requested, their minor
16 siblings, including half brothers, half sisters, stepbrothers, and stepsisters, and any
17 parents of these minors and their spouses.

18 (f) “Family income” means the total gross earned and unearned income
19 received by all members of a family.

20 (g) “Group health plan” has the meaning given in 42 USC 300gg-91 (a) (1).

21 (h) “Health insurance coverage” has the meaning given in 42 USC 300gg-91
22 (b) (1), and also includes any arrangement under which a 3rd party agrees to pay for
23 the health care costs of the individual.

24 (i) “Parent” has the meaning given in s. 49.141 (1) (j).

25 (j) “Recipient” means an individual receiving benefits under this section.

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1 (k) “Unborn child” means an individual from conception until he or she is born
2 alive for whom all of the following requirements are met:

3 1. The unborn child’s mother is not eligible for medical assistance under this
4 subchapter, except that she may be eligible for benefits under s. 49.45 (27).

5 2. The income of the unborn child’s mother, mother and her spouse, or mother
6 and her family, whichever is applicable, does not exceed 300 percent of the poverty
7 line.

8 3. Each of the following applicable persons who is employed provides
9 verification from his or her employer, in the manner specified by the department, of
10 his or her earnings:

11 a. The unborn child’s mother.

12 b. The spouse of the unborn child’s mother.

13 c. Members of the unborn child’s mother’s family.

14 4. The unborn child’s mother provides medical verification of her pregnancy,
15 in the manner specified by the department. An unborn child’s eligibility for coverage
16 under this section does not begin before the first day of the month in which the
17 unborn child’s mother provides the medical verification.

18 5. The unborn child and the mother of the unborn child meet all other
19 applicable eligibility requirements under this chapter or established by the
20 department by rule except for any of the following:

21 a. The mother is not a U.S. citizen or an alien qualifying for Medicaid under
22 8 USC 1612.

23 b. The mother is an inmate of a public institution.

24 c. The mother does not provide a social security number, but only if subd. 5. a.
25 applies.

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1 **(2) WAIVER.** The department shall request a waiver from, and submit
2 amendments to the state Medical Assistance plan to, the secretary of the federal
3 department of health and human services to implement BadgerCare Plus. If the
4 state plan amendments are approved and a waiver that is consistent with all of the
5 provisions of this section is granted and in effect, the department shall implement
6 BadgerCare Plus beginning on January 1, 2008, the effective date of the state plan
7 amendments, or the effective date of the waiver, whichever is latest. If the state plan
8 amendments are not approved or if a waiver that is consistent with all of the
9 provisions of this section is not granted, BadgerCare Plus may not be implemented.
10 If the state plan amendments are approved but approval is not continued or if a
11 waiver that is consistent with all of the provisions of this section is granted but not
12 continued in effect, BadgerCare Plus shall be discontinued.

13 **(3) INELIGIBILITY FOR OTHER MEDICAL ASSISTANCE BENEFITS.** (a) 1.
14 Notwithstanding ss. 49.46 (1), 49.465, 49.47 (4), and 49.665 (4), if the amendments
15 to the state plan under sub. (2) are approved and a waiver under sub. (2) that is
16 consistent with all of the provisions of this section is granted and in effect, an
17 individual described in sub. (4) (a) or (b) or (5) is not eligible under s. 49.46, 49.465,
18 49.47, or 49.665 for Medical Assistance or BadgerCare health program benefits. The
19 eligibility of an individual described in sub. (4) (a) or (b) or (5) for Medical Assistance
20 benefits shall be determined under this section.

21 2. Notwithstanding subd. 1., an individual who is eligible for medical
22 assistance under s. 49.46 (1) (a) 3. or 4. may not receive benefits under this section.

23 3. Notwithstanding subd. 1., an individual described in sub. (4) (a) or (b) or (5)
24 who is eligible for medical assistance under s. 49.46 (1) (a) 5., 6m., 14., 14m., or 15.

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1 or (d) or 49.47 (4) (a) or (as) may receive medical assistance benefits under this
2 section or under s. 49.46 or 49.47.

3 (b) 1. If an individual over 18 years of age who is eligible for and receiving
4 Medical Assistance benefits under s. 49.46, 49.47, or 49.665 in the month before
5 BadgerCare Plus is implemented loses that eligibility solely due to the
6 implementation of BadgerCare Plus and, because of his or her income, is not eligible
7 for BadgerCare Plus, the individual shall continue receiving for 18 consecutive
8 months the medical assistance he or she was receiving before the implementation of
9 BadgerCare Plus if all of the following are satisfied:

10 a. The individual's eligibility for the Medical Assistance benefits in the month
11 before the implementation of BadgerCare Plus was based on an application filed
12 before the implementation of BadgerCare Plus.

13 b. The individual continues to pay any premium that he or she was required
14 to pay for the Medical Assistance coverage in the same amount as the amount that
15 was due in the month before the implementation of BadgerCare Plus.

16 c. The individual continues to meet all nonfinancial eligibility requirements for
17 the coverage that he or she had in the month before the implementation of
18 BadgerCare Plus.

19 d. The individual continues to be ineligible for BadgerCare Plus because of his
20 or her income.

21 2. Notwithstanding subd. 1., if at any time during an individual's 18-month
22 eligibility extension under subd. 1. any criterion under subd. 1. a. to d. is not satisfied,
23 the individual's eligibility for the extended coverage is terminated and any time
24 remaining in the eligibility period is lost.

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1 **(4) GENERAL ELIGIBILITY CRITERIA; APPLICABLE BENEFITS.** (a) Except as otherwise
2 provided in this section, all of the following individuals are eligible for the benefits
3 described in s. 49.46 (2) (a) and (b), subject to sub. (6) (k):

4 1. A pregnant woman whose family income does not exceed 200 percent of the
5 poverty line.

6 2. A child who is under one year of age, whose mother was, on the day the child
7 was born, eligible for and receiving medical assistance under subd. 1. or 5. or s. 49.46
8 or 49.47, and who lives with his or her mother in this state.

9 3. A child whose family income does not exceed 200 percent of the poverty line.
10 For a child under this subdivision who is an unborn child, benefits are limited to
11 prenatal care.

12 3m. A child who obtains eligibility under sub. (7) (b) 2.

13 4. An individual who satisfies all of the following criteria:

14 a. The individual is a parent or caretaker relative of a child who is living in the
15 home with the parent or caretaker relative or who is temporarily absent from the
16 home for not more than 6 months or, if the child has been removed from the home for
17 more than 6 months, the parent or caretaker relative is working toward unifying the
18 family by complying with a permanency plan under s. 48.38.

19 b. Except as provided in subd. 4. c., the individual's family income does not
20 exceed 200 percent of the poverty line and does not include self-employment income.

21 c. If the individual's family income includes self-employment income, the
22 individual's family income does not exceed 200 percent of the poverty line as
23 calculated under sub. (7) (a) 2.

24 5. An individual who, regardless of family income, was born on or after January
25 1, 1990, and who, on his or her 18th birthday, was in a foster care or treatment foster

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1 care placement under the responsibility of a state, as determined by the department.
2 The coverage for an individual under this subdivision ends on the last day of the
3 month in which the individual becomes 21 years of age, unless he or she otherwise
4 loses eligibility sooner.

5 6. Migrant workers and their dependents who are determined eligible under
6 sub. (6) (f).

7 (b) Except as otherwise provided in this section, all of the following individuals
8 are eligible for the benefits described in sub. (11):

9 1. A pregnant woman whose family income exceeds 200 percent but does not
10 exceed 300 percent of the poverty line.

11 1m. A pregnant woman or unborn child who obtains eligibility under sub. (7)
12 (b) 1.

13 2. A child who is under one year of age, whose mother was determined to be
14 eligible under subd. 1., and who lives with his or her mother in this state.

15 3. A child whose family income exceeds 200 percent but does not exceed 300
16 percent of the poverty line. For a child under this subdivision who is an unborn child,
17 benefits are limited to prenatal care.

18 4. An individual who satisfies all of the following criteria:

19 a. The individual is a parent or caretaker relative of a child who is living in the
20 home with the parent or caretaker relative or who is temporarily absent from the
21 home for not more than 6 months or, if the child has been removed from the home for
22 more than 6 months, the parent or caretaker relative is working toward unifying the
23 family by complying with a permanency plan under s. 48.38.

24 b. The individual's family income includes self-employment income and does
25 not exceed 200 percent of the poverty line as calculated under sub. (7) (a) 3.

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1 (c) Except as otherwise provided in this section, a child who is not an unborn
2 child and whose family income exceeds 300 percent of the poverty line is eligible to
3 purchase coverage of the benefits described in sub. (11), at the full per member per
4 month cost of the coverage.

5 **(5) PRESUMPTIVE ELIGIBILITY.** (a) In this subsection:

6 1. “Qualified entity” means an entity that satisfies the requirements under 42
7 USC 1396r-1a (b) (3) (A), as determined by the department.

8 2. “Qualified provider” means a provider that satisfies the requirements under
9 42 USC 1396r-1 (b) (2), as determined by the department.

10 (b) 1. Except as provided in sub. (6) (a), a pregnant woman is eligible for the
11 benefits specified in par. (c) during the period beginning on the day on which a
12 qualified provider determines, on the basis of preliminary information, that the
13 woman’s family income does not exceed 300 percent of the poverty line and ending
14 on the applicable day specified in subd. 3.

15 2. Except as provided in sub. (6) (a), a child who is not an unborn child is eligible
16 for the benefits described in s. 49.46 (2) (a) and (b) during the period beginning on
17 the day on which a qualified entity determines, on the basis of preliminary
18 information, that the child’s family income does not exceed 150 percent of the poverty
19 line and ending on the applicable day specified in subd. 3.

20 3. a. If the woman or child applies for benefits under sub. (4) within the time
21 required under par. (d), the benefits specified in subd. 1. or 2., whichever is
22 applicable, end on the day on which the department or the county department under
23 s. 46.215, 46.22, or 46.23 determines whether the woman or child is eligible for
24 benefits under sub. (4).

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1 b. If the woman or child does not apply for benefits under sub. (4) within the
2 time required under par. (d), the benefits specified in subd. 1. or 2., whichever is
3 applicable, end on the last day of the month following the month in which the
4 provider or entity makes the determination under this paragraph.

5 (c) On behalf of a woman under par. (b) 1., the department shall audit and pay
6 allowable charges to a provider certified under s. 49.45 (2) (a) 11. only for ambulatory
7 prenatal care services under the benefits under sub. (11).

8 (d) A woman or child who is determined to be eligible under par. (b) shall apply
9 for benefits under sub. (4) on or before the last day of the month following the month
10 in which the qualified provider or entity makes the eligibility determination.

11 (e) A qualified provider or entity that determines that a woman or child is
12 eligible under par. (b) shall do all of the following:

13 1. Notify the department of that determination within 5 working days after the
14 day on which the determination is made.

15 2. Notify the woman or child of the requirement under par. (d) at the time of
16 the determination.

17 (f) The department shall provide qualified providers and qualified entities with
18 application forms for the benefits under sub. (4) and information on how to assist
19 women and children in completing the forms.

20 **(6) MISCELLANEOUS ELIGIBILITY AND BENEFIT PROVISIONS.** (a) Any pregnant
21 woman, including a pregnant woman under sub (5) (b) 1., child who is not an unborn
22 child, including a child under sub. (5) (b) 2., parent, or caretaker relative whose
23 family income is less than 150 percent of the poverty line is eligible for medical
24 assistance under this section for any of the 3 months prior to the month of application

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1 if the individual met the eligibility criteria under this section and had a family
2 income of less than 150 percent of the poverty line in that month.

3 (b) A pregnant woman who is determined to be eligible for benefits under sub.
4 (4) remains eligible for benefits under sub. (4) for the balance of the pregnancy and
5 to the last day of the month in which the 60th day after the last day of the pregnancy
6 falls without regard to any change in the woman's family income.

7 (c) If a child who is eligible for benefits under sub. (4) is receiving inpatient
8 services covered under sub. (4) on the day before his or her 19th birthday and, but
9 for attaining 19 years of age, the child would remain eligible for benefits under sub.
10 (4), the child remains eligible for benefits until the end of the stay for which the
11 inpatient services are being furnished.

12 (d) If an application under this section shows that an individual is an essential
13 person, the individual shall be provided the benefits specified under sub. (4) (a) or
14 (b).

15 (e) The medical assistance eligibility extensions under s. 49.46 (1) (c), (cg), and
16 (co) for individuals who lose eligibility due to increased income do not apply to
17 BadgerCare Plus.

18 (f) The medical assistance eligibility provisions for migrant workers and their
19 dependents under s. 49.47 (4) (av) apply to BadgerCare Plus.

20 (g) 1. Except as provided in subd. 2., as a condition of eligibility for coverage
21 under this section, an individual with income shall provide verification, as
22 determined by the department, of that income.

23 2. Subdivision 1. does not apply to an individual under sub. (4) (a) 5. or a child
24 under the age of 18.

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1 (h) Within 10 days after the change occurs, a recipient shall report to the
2 department any change that might affect his or her eligibility or any change that
3 might require premium payment by a recipient who was not required to pay
4 premiums before the change.

5 (i) For purposes of determining eligibility and family income, the department
6 shall include a family member who is temporarily absent from the home for not more
7 than 6 months, as determined by the department.

8 (j) All of the following apply to BadgerCare Plus in the same respect as they
9 apply under s. 49.46:

10 1. Section 49.46 (2) (c) and (cm), relating to benefits for individuals who are
11 eligible for Medicare.

12 2. Section 49.46 (2) (d), relating to prohibiting payments for any part of any
13 service payable through 3rd-party liability or any governmental or private benefit
14 system.

15 3. Section 49.46 (2) (dm), relating to prohibiting payment for services to
16 residents of institutions for mental diseases.

17 4. Section 49.46 (2) (f), relating to prohibiting payment for gastric bypass or
18 stapling surgery.

19 (k) For an individual who is eligible for medical assistance under this section
20 and who is eligible for coverage under Part D of Medicare under 42 USC 1395w-101
21 et seq., benefits under sub. (11) (a) or s. 49.46 (2) (b) 6. h. do not include payment for
22 any Part D drug, as defined in 42 CFR 423.100, regardless of whether the individual
23 is enrolled in Part D of Medicare or whether, if the individual is enrolled, his or her
24 Part D plan, as defined in 42 CFR 423.4, covers the Part D drug.

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1 **(7) SPECIAL INCOME PROVISIONS.** (a) 1. In the calculation of family income, if an
2 adult member of the family has self-employment income, the department shall count
3 the net self-employment earnings. Net self-employment earnings shall be
4 determined by subtracting from gross self-employment income all self-employment
5 expenses that are allowed under federal and state tax law, except for depreciation.

6 2. If a parent's or caretaker relative's family income includes self-employment
7 income and, without deducting depreciation, does not exceed 200 percent of the
8 poverty line, the parent or caretaker relative is eligible under sub. (4) (a) 4.

9 3. If a parent's or caretaker relative's family income includes self-employment
10 income and, without deducting depreciation, exceeds 200 percent of the poverty line,
11 the parent or caretaker relative is eligible under sub. (4) (b) 4. if his or her family
12 income does not exceed 200 percent of the poverty line after depreciation is deducted.

13 (b) 1. A pregnant woman, or an unborn child, whose family income exceeds 300
14 percent of the poverty line may become eligible for coverage under this section if the
15 difference between the pregnant woman's or unborn child's family income and the
16 applicable income limit under sub. (4) (b) is obligated or expended for any member
17 of the pregnant woman's or unborn child's family for medical care or any other type
18 of remedial care recognized under state law or for personal health insurance
19 premiums or for both. Eligibility obtained under this subdivision continues without
20 regard to any change in family income for the balance of the pregnancy and, for a
21 pregnant woman but not for an unborn child, to the last day of the month in which
22 the 60th day after the last day of the woman's pregnancy falls. Eligibility obtained
23 by a pregnant woman under this subdivision extends to all pregnant women in the
24 pregnant woman's family.

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1 2. A child who is not an unborn child and whose family income exceeds 150
2 percent of the poverty line may obtain eligibility under this section if the difference
3 between the child's family income and 150 percent of the poverty line is obligated or
4 expended on behalf of the child or any member of the child's family for medical care
5 or any other type of remedial care recognized under state law or for personal health
6 insurance premiums or for both. Eligibility obtained under this subdivision during
7 any 6-month period, as determined by the department, continues for the remainder
8 of the 6-month period and extends to all children in the family.

9 3. For a pregnant woman or an unborn child to obtain eligibility under subd.
10 1., the amount that must be obligated or expended in any 6-month period is equal
11 to the sum of the differences in each of those 6 months between the pregnant woman's
12 or unborn child's monthly family income and the monthly family income that is 300
13 percent of the poverty line. For a child to obtain eligibility under subd. 2., the amount
14 that must be obligated or expended in any 6-month period is equal to the sum of the
15 differences in each of those 6 months between the child's monthly family income and
16 the monthly family income that is 150 percent of the poverty line.

17 (c) When calculating an individual's family income, the department shall do all
18 of the following:

19 1. Deduct from family income any payments made by the individual for
20 court-ordered child or family support or maintenance.

21 2. Disregard earnings of children under 18 years of age.

22 3. Determine separately the family incomes of caretaker relatives and the
23 children for whom they are caring and not legally responsible.

24 4. Not include in the calculation any income of an individual receiving benefits
25 under s. 49.77 or federal Title XVI.

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1 **(8) HEALTH INSURANCE COVERAGE AND ELIGIBILITY.** (a) 1. Except as provided in
2 subd. 2., any individual who is otherwise eligible under this section and who is
3 eligible for enrollment in a group health plan shall, as a condition of eligibility for
4 BadgerCare Plus and if the department determines that it is cost-effective to do so,
5 apply for enrollment in the group health plan, except that, for a minor, the parent
6 of the minor shall apply on the minor's behalf.

7 2. If a parent of a minor fails to enroll the minor in a group health plan in
8 accordance with subd. 1., the failure does not affect the minor's eligibility under this
9 section.

10 (b) Except as provided in pars. (c) and (d), an individual whose family income
11 exceeds 150 percent of the poverty line is not eligible for BadgerCare Plus if any of
12 the following applies:

13 1. The individual has individual or family health insurance coverage that is any
14 of the following:

15 a. Coverage provided by an employer and for which the employer pays at least
16 80 percent of the premium.

17 b. Coverage under the state employee health plan under s. 40.51 (6).

18 2. The individual, in the 12 months before applying, had access to the health
19 insurance coverage specified in subd. 1.

20 3. The individual could be covered under the health insurance coverage
21 specified in subd. 1. if the coverage is applied for, and the coverage could become
22 available to the individual in the month in which the individual applies for benefits
23 under this section or in any of the next 3 calendar months.

24 (c) An unborn child, regardless of family income, is not eligible for BadgerCare
25 Plus if any of the following applies:

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1 1. The unborn child or the unborn child's mother has individual or family
2 health insurance coverage.

3 2. The unborn child or the unborn child's mother, in the 12 months before
4 applying, had access to the health insurance coverage specified in par. (b) 1.

5 3. The unborn child or the unborn child's mother could be covered under
6 individual or family health insurance coverage if the coverage is applied for, and the
7 coverage could become available to the unborn child or the unborn child's mother in
8 the month in which the unborn child applies for benefits under this section or in any
9 of the next 3 calendar months.

10 (d) 1. None of the following is ineligible for BadgerCare Plus by reason of having
11 health insurance coverage or access to health insurance coverage:

12 a. A pregnant woman.

13 b. A child described in sub. (4) (a) 2. or (b) 2.

14 c. Except as provided in par. (c), a child who has health insurance coverage, or
15 access to health insurance coverage, as a dependent of an absent parent but who
16 resides outside of the service area of the absent parent's plan.

17 d. An individual described in sub. (4) (a) 5.

18 e. A child who obtains eligibility under sub. (7) (b) 2., but only for the remainder
19 of the child's eligibility period under sub. (7) (b) 2.

20 2. An individual under par. (b) 2., or an individual who is an unborn child or
21 an unborn child's mother under par. (c) 2., is not ineligible if any of the following good
22 cause reasons is the reason that the individual did not obtain the health insurance
23 coverage under par. (b) 1. to which they had access:

24 a. The individual's employment ended.

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1 b. The individual's employer discontinued health insurance coverage for all
2 employees.

3 c. One or more members of the individual's family were eligible for other health
4 insurance coverage or Medical Assistance at the time the employee failed to enroll
5 in the health insurance coverage under par. (b) 1. and no member of the family was
6 eligible for coverage under this section at that time.

7 d. The individual's access to health insurance coverage has ended due to the
8 death or change in marital status of the subscriber.

9 e. Any other reason that the department determines is a good cause reason.

10 (e) If a pregnant woman has health insurance coverage and her family income
11 exceeds 200 percent of the poverty line, the woman is required, as a condition of
12 eligibility, to maintain the health insurance coverage.

13 (f) If an individual with a family income that exceeds 150 percent of the poverty
14 line had the health insurance coverage specified in par. (b) 1. but no longer has the
15 coverage, if an individual who is an unborn child or an unborn child's mother,
16 regardless of family income, had health insurance coverage but no longer has the
17 coverage, or if a pregnant woman specified in par. (e) has health insurance coverage
18 and does not maintain the coverage, the individual or pregnant woman is not eligible
19 for BadgerCare Plus for the 3 calendar months following the month in which the
20 insurance coverage ended without a good cause reason specified in par. (g).

21 (g) Any of the following is a good cause reason for purposes of par. (f):

22 1. The individual or pregnant woman was covered by a group health plan that
23 was provided by a subscriber through his or her employer, and the subscriber's
24 employment ended for a reason other than voluntary termination, unless the

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1 voluntary termination was a result of the incapacitation of the subscriber or because
2 on an immediate family member's health condition.

3 2. The individual or pregnant woman was covered by a group health plan that
4 was provided by a subscriber through his or her employer, the subscriber changed
5 employers, and the new employer does not offer health insurance coverage.

6 3. The individual or pregnant woman was covered by a group health plan that
7 was provided by a subscriber through his or her employer, and the subscriber's
8 employer discontinued health plan coverage for all employees.

9 4. The pregnant woman's coverage was continuation coverage and the
10 continuation coverage was exhausted in accordance with 29 CFR 2590.701-2 (4).

11 5. The individual's or pregnant woman's coverage terminated due to the death
12 or change in marital status of the subscriber.

13 6. Any other reason determined by the department to be a good cause reason.

14 **(9) EMPLOYER VERIFICATION OF INSURANCE COVERAGE.** (a) 1. Except as provided
15 in subd. 2., for an applicant or recipient with a family income that exceeds 150
16 percent of the poverty line, the department shall verify insurance coverage and
17 access information directly with the employer through which the applicant or
18 recipient may have health insurance coverage or access to coverage.

19 2. Subdivision 1. does not apply to any of the following:

20 a. A pregnant woman.

21 b. A child described in sub. (4) (a) 2. or (b) 2.

22 c. An individual described in sub. (4) (a) 5.

23 (b) An employer that receives a request from the department for insurance
24 coverage and access to coverage information shall supply the information requested

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1 by the department in the format specified by the department within 30 calendar days
2 after receiving the request.

3 (c) 1. Subject to subds. 2. and 3., an employer that does not comply with the
4 requirements under par. (b) shall be required to pay, within 45 days after the
5 requested information was due, a penalty equal to the full per member per month
6 cost of coverage under BadgerCare Plus for the individual about whom the
7 information is requested, and for each of the individual's family members with
8 coverage under BadgerCare Plus, for each month in which the individual and the
9 individual's family members are covered before the employer provides the
10 information.

11 2. An employer with fewer than 250 employees may not be required to pay more
12 than \$1,000 in penalties under this paragraph that are attributable to any 6-month
13 period. An employer with 250 or more employees may not be required to pay more
14 than \$15,000 in penalties under this paragraph that are attributable to any 6-month
15 period.

16 3. Notwithstanding subd. 1., an employer shall not be subject to any penalties
17 if the employer, at least once per year, timely provides to the department, in the
18 manner and format specified by the department, information from which the
19 department may determine whether the employer provides its employees with
20 access to health insurance coverage.

21 4. All penalty assessments collected under this paragraph shall be credited to
22 the appropriation accounts under s. 20.435 (4) (jw) and (jz).

23 (d) An employer may contest a penalty assessment under par. (c) by sending
24 a written request for hearing to the division of hearings and appeals in the

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1 department of administration. Proceedings before the division are governed by ch.
2 227.

3 **(10) COST SHARING.** (a) *Copayments.* Except as provided in s. 49.45 (18) (am),
4 all cost-sharing provisions under s. 49.45 (18) apply to a recipient with coverage of
5 the benefits described in s. 49.46 (2) (a) and (b) to the same extent as they apply to
6 a person eligible for medical assistance under s. 49.46, 49.468, or 49.47.

7 (b) *Premiums.* 1. Except as provided in subd. 4., a recipient who is an adult,
8 who is not a pregnant woman, and whose family income is greater than 150 percent
9 but not greater than 200 percent of the poverty line shall pay a premium for coverage
10 under BadgerCare Plus that does not exceed 5 percent of his or her family income.
11 If the recipient has self-employment income and is eligible under sub. (4) (b) 4., the
12 premium may not exceed 5 percent of family income calculated before depreciation
13 was deducted.

14 2. Except as provided in subds. 3. and 4., a recipient who is a child whose family
15 income is greater than 200 percent of the poverty line shall pay a premium for
16 coverage of the benefits described in sub. (11) that does not exceed the full per
17 member per month cost of coverage for a child with a family income of 300 percent
18 of the poverty line.

19 3. Except as provided in subd. 4., a recipient who is an unborn child, or a
20 pregnant woman eligible under sub. (4) (b) 1., whose family income is greater than
21 200 percent of the poverty line shall pay a premium for coverage of the benefits
22 described in sub. (11) that does not exceed the full per member per month cost of
23 coverage for an adult with a family income of 300 percent of the poverty line.

24 4. None of the following shall pay a premium:

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1 a. A child who is a Native American or an Alaskan Native with a family income
2 that does not exceed 300 percent of the poverty line.

3 b. A child who is eligible under sub. (4) (a) 2. or (b) 2.

4 c. A child whose family income does not exceed 200 percent of the poverty line.

5 d. A pregnant woman whose family income does not exceed 200 percent of the
6 poverty line.

7 e. A child who obtains eligibility under sub. (7) (b) 2.

8 f. An individual who is eligible under sub. (4) (a) 5.

9 5. If a recipient who is required to pay a premium under this paragraph or
10 under sub. (4) (c) does not pay a premium when due, the recipient's coverage
11 terminates and the recipient is not eligible for BadgerCare Plus for 6 calendar
12 months following the date on which the recipient's coverage terminated.

13 **(11) BENCHMARK PLAN BENEFITS AND COPAYMENTS.** Recipients who are not eligible
14 for the benefits described in s. 49.46 (2) (a) and (b) shall have coverage of the following
15 benefits and pay the following copayments:

16 (a) Subject to sub. (6) (k), prescription drugs bearing only a generic name, as
17 defined in s. 450.12 (1) (b), with a copayment of no more than \$5 per prescription, and
18 subject to the Badger Rx Gold program discounts.

19 (b) Physicians' services, including one annual routine physical examination,
20 with a copayment of no more than \$15 per visit.

21 (c) Inpatient hospital services as medically necessary, subject to coinsurance
22 payment per inpatient stay of no more than 10 percent of the allowable payment
23 rates under s. 49.46 (2) for the services provided and a copayment of no more than
24 \$50 per admission for psychiatric services.

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1 (d) Outpatient hospital services, subject to coinsurance payment of no more
2 than 10 percent of the allowable payment rates under s. 49.46 (2) for the services
3 provided, except that use of emergency room services for treatment of a condition
4 that is not an emergency medical condition, as defined in s. 632.85 (1) (a), shall
5 require a copayment of no more than \$75.

6 (e) Laboratory and X-ray services, including mammography.

7 (f) Home health services, limited to 60 visits per year.

8 (g) Skilled nursing home services, limited to 30 days per year, and subject to
9 coinsurance payment of no more than 10 percent of the allowable payment rates
10 under s. 49.46 (2) for the services provided.

11 (h) Inpatient rehabilitation services, limited to 60 days per year, and subject
12 to coinsurance payment of no more than 10 percent of the allowable payment rates
13 under s. 49.46 (2) for the services provided.

14 (i) Physical, occupational, speech, and pulmonary therapy, limited to 20 visits
15 per year for each type of therapy, and subject to coinsurance payment of no more than
16 10 percent of the allowable payment rates under s. 49.46 (2) for the services provided.

17 (j) Cardiac rehabilitation, limited to 36 visits per year and subject to
18 coinsurance payment of no more than 10 percent of the allowable payment rates
19 under s. 49.46 (2) for the services provided.

20 (k) Inpatient, outpatient, and transitional treatment for nervous or mental
21 disorders and alcoholism and other drug abuse problems, with a copayment of no
22 more than \$15 per visit and coverage limits that are the same as those under the state
23 employee health plan under s. 40.51 (6).

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1 (L) Durable medical equipment, limited to \$2,500 per year, and subject to
2 coinsurance payment of no more than 10 percent of the allowable payment rates
3 under s. 49.46 (2) for the articles provided.

4 (m) Transportation to obtain emergency medical care only, as medically
5 necessary, and subject to coinsurance payment of no more than 10 percent of the
6 allowable payment rates under s. 49.46 (2) for the services provided.

7 (n) One refractive eye examination every 2 years, with a copayment of no more
8 than \$15 per visit.

9 (o) Fifty percent of allowable charges for preventive and basic dental services,
10 including services for accidental injury and for the diagnosis and treatment of
11 temporomandibular disorders. The coverage under this paragraph is limited to \$750
12 per year, applies only to pregnant women and children under 19 years of age, and
13 requires an annual deductible of \$200 and a copayment of no more than \$15 per visit.

14 (p) Early childhood developmental services, for children under 6 years of age.

15 (q) Smoking cessation treatment, for pregnant women only.

16 (r) Prenatal care coordination, for pregnant women at high risk only.

17 **(11m)** PROVIDER PAYMENTS AND REQUIREMENTS. The provider of a service or
18 equipment under sub. (11) shall collect the specified or allowable copayment or
19 coinsurance, unless the provider determines that the cost of collecting the copayment
20 or coinsurance exceeds the amount to be collected. The department shall reduce
21 payments for services or equipment under sub. (11) by the amount of the specified
22 or allowable copayment or coinsurance. A provider may deny care or services or
23 equipment under sub. (11) if the recipient does not pay the specified or allowable
24 copayment or coinsurance. If a provider provides care or services or equipment

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1 under sub. (11) to a recipient who is unable to share costs as specified in sub. (11),
2 the recipient is not relieved of liability for those costs.

3 **(12) RULES; NOTICE OF EFFECTIVE DATE.** (a) 1. The department may promulgate
4 any rules necessary for and consistent with its administrative responsibilities under
5 this section, including additional eligibility criteria.

6 2. The department may promulgate emergency rules under s. 227.24 for the
7 administration of this section for the period before the effective date of any
8 permanent rules promulgated under subd. 1., but not to exceed the period authorized
9 under s. 227.24 (1) (c) and (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3), the
10 department is not required to provide evidence that promulgating a rule under this
11 subdivision as an emergency rule is necessary for the preservation of the public
12 peace, health, safety, or welfare and is not required to provide a finding of emergency
13 for a rule promulgated under this subdivision.

14 (b) If the amendments to the state plan submitted under sub. (2) are approved
15 and a waiver that is consistent with all of the provisions of this section is granted and
16 in effect, the department shall publish a notice in the Wisconsin Administrative
17 Register that states the date on which BadgerCare Plus is implemented.

18 **SECTION 1606.** 49.472 (6) (a) of the statutes is amended to read:

19 49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation account
20 under s. 20.435 (4) (b), ~~(gp)~~, ~~or (w)~~, or (xd), the department shall, on the part of an
21 individual who is eligible for medical assistance under sub. (3), pay premiums for or
22 purchase individual coverage offered by the individual's employer if the department
23 determines that paying the premiums for or purchasing the coverage will not be more
24 costly than providing medical assistance.

25 **SECTION 1607.** 49.472 (6) (b) of the statutes is amended to read:

SENATE BILL 40**SECTION 1607**

1 49.472 **(6)** (b) If federal financial participation is available, from the
2 appropriation account under s. 20.435 (4) (b), ~~(gp)~~, ~~or (w)~~, or (xd), the department may
3 pay medicare Part A and Part B premiums for individuals who are eligible for
4 medicare and for medical assistance under sub. (3).

5 **SECTION 1608.** 49.473 (2) (a) of the statutes is amended to read:

6 49.473 **(2)** (a) The woman is not eligible for medical assistance under ss. 49.46
7 (1) and (1m), 49.465, 49.468, 49.47, 49.471, and 49.472, and is not eligible for health
8 care coverage under s. 49.665.

9 **SECTION 1609.** 49.473 (5) of the statutes is amended to read:

10 49.473 **(5)** The department shall audit and pay, from the appropriation
11 accounts under s. 20.435 (4) (b), ~~(gp)~~, ~~and (o)~~, and (xd), allowable charges to a provider
12 who is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman
13 who meets the requirements under sub. (2) for all benefits and services specified
14 under s. 49.46 (2).

15 **SECTION 1610.** 49.475 (1) (a) of the statutes is renumbered 49.475 (1) (ar).

16 **SECTION 1611.** 49.475 (1) (ag) of the statutes is created to read:

17 49.475 **(1)** (ag) “Covered entity” means any of the following that is not an
18 insurer:

19 1. A nonprofit hospital, as defined in s. 46.21 (2) (m).

20 2. An employer, as defined in s. 101.01 (4), labor union, or other group of persons
21 organized in this state if the employer, labor union, or other group provides
22 prescription drug coverage to covered individuals who reside or are employed in this
23 state.

24 3. A comprehensive or limited health care benefits program administered by
25 the state that provides prescription drug coverage.

SENATE BILL 40**SECTION 1612**

1 **SECTION 1612.** 49.475 (1) (am) of the statutes is created to read:

2 49.475 (1) (am) “Covered individual” means an individual who is a member,
3 participant, enrollee, policyholder, certificate holder, contract holder, or beneficiary
4 of a covered entity, or a dependent of the individual, and who receives prescription
5 drug coverage from or through the covered entity.

6 **SECTION 1613.** 49.475 (1) (c) of the statutes is created to read:

7 49.475 (1) (c) “Pharmacy benefits management” means the procurement of
8 prescription drugs at a negotiated rate for dispensation in this state to covered
9 individuals; the administration or management of prescription drug benefits
10 provided by a covered entity for the benefit of covered individuals; or any of the
11 following services provided in the administration of pharmacy benefits:

- 12 1. Dispensation of prescription drugs by mail.
- 13 2. Claims processing, retail network management, and payment of claims to
14 pharmacies for prescription drugs dispensed to covered individuals.
- 15 3. Clinical formulary development and management services.
- 16 4. Rebate contracting and administration.
- 17 5. Conduct of patient compliance, therapeutic intervention, generic
18 substitution, and disease management programs.

19 **SECTION 1614.** 49.475 (1) (d) of the statutes is created to read:

20 49.475 (1) (d) “Pharmacy benefits manager” means a person that performs
21 pharmacy benefits management functions.

22 **SECTION 1615.** 49.475 (1) (e) of the statutes is created to read:

23 49.475 (1) (e) “Recipient” means an individual or his or her spouse or dependent
24 who has been or is one of the following:

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1 1. A recipient of medical assistance or of a program administered under medical
2 assistance under a waiver of federal Medicaid laws.

3 2. An enrollee of family care.

4 3. A recipient of the Badger Care health care program.

5 4. An individual who receives benefits under s. 49.68, 49.683, or 49.685.

6 5. A participant in the program of prescription drug assistance for elderly
7 persons under s. 49.688.

8 6. A woman who receives services that are reimbursed under s. 255.06.

9 **SECTION 1616.** 49.475 (1) (f) of the statutes is created to read:

10 49.475 (1) (f) “Third party” means an entity that by statute, rule, or contract
11 is responsible for payment of a claim for a health care item or service. “Third party”
12 includes all of the following:

13 1. An insurer.

14 2. An employee benefit plan described in 29 USC 1003 (a) that is not exempt
15 under 29 USC 1003 (b) and is not a multiple employer welfare arrangement.

16 3. A service benefit plan, as specified in 42 USC 1396a (25) (I).

17 4. A pharmacy benefits manager.

18 **SECTION 1617.** 49.475 (2) of the statutes is repealed and recreated to read:

19 49.475 (2) REQUIREMENTS OF 3RD PARTIES. As a condition of doing business in this
20 state, a 3rd party shall do all of the following:

21 (a) Upon the department’s request and in the manner prescribed by the
22 department, provide information to the department necessary for the department to
23 ascertain all of the following with respect to a recipient:

24 1. Whether the recipient is being or has been provided coverage or a benefit or
25 service by a 3rd party.

SENATE BILL 40**SECTION 1617**

1 2. If subd. 1. applies, the nature and period of time of any coverage, benefit, or
2 service provided, including the name, address, and identifying number of any
3 applicable coverage plan.

4 (b) Accept assignment to the department of a right of a recipient to receive
5 3rd-party payment for an item or service for which payment under medical
6 assistance has been made and accept the department's right to recover any
7 3rd-party payment made for which assignment has not been accepted.

8 (c) Respond to an inquiry by the department concerning a claim for payment
9 of a health care item or service if the department submits the inquiry less than 36
10 months after the date on which the health care item or service was provided.

11 (d) If all of the following apply, agree not to deny a claim submitted by the
12 department under par. (b) solely because of the claim's submission date, the type or
13 format of the claim form, or failure by a recipient to present proper documentation
14 at the time of delivery of the service, benefit, or item that is the basis of the claim:

15 1. The department submits the claim less than 36 months after the date on
16 which the health care item or service was provided.

17 2. Action by the department to enforce the department's rights under this
18 section with respect to the claim is commenced less than 72 months after the
19 department submits the claim.

20 **SECTION 1618.** 49.475 (3) (intro.) of the statutes is amended to read:

21 49.475 (3) WRITTEN AGREEMENT. (intro.) Upon requesting ~~an insurer~~ a 3rd party
22 to provide the information under sub. (2) (a), the department and the 3rd party shall
23 enter into a written agreement ~~with the insurer~~ that satisfies all of the following:

24 **SECTION 1619.** 49.475 (3) (a) of the statutes is amended to read:

SENATE BILL 40**SECTION 1619**

1 49.475 (3) (a) Identifies ~~in detail~~ the detailed format of the information to be
2 disclosed provided to the department.

3 **SECTION 1620.** 49.475 (3) (c) of the statutes is amended to read:

4 49.475 (3) (c) Specifies how the insurer's 3rd party's reimbursable costs under
5 sub. (5) will be determined and specifies the manner of payment.

6 **SECTION 1621.** 49.475 (4) (a) of the statutes is amended to read:

7 49.475 (4) (a) ~~An insurer~~ A 3rd party shall provide the information requested
8 under sub. (2) (a) within 180 days after receiving the department's request if it is the
9 first time that the department has requested the ~~insurer~~ 3rd party to disclose
10 information under this section.

11 **SECTION 1622.** 49.475 (4) (b) of the statutes is amended to read:

12 49.475 (4) (b) ~~An insurer~~ A 3rd party shall provide the information requested
13 under sub. (2) (a) within 30 days after receiving the department's request if the
14 department has previously requested the ~~insurer~~ 3rd party to disclose information
15 under this section.

16 **SECTION 1623.** 49.475 (4) (d) of the statutes is created to read:

17 49.475 (4) (d) If a 3rd party other than an insurer fails to comply with par. (a)
18 or (b), the department may so notify the attorney general.

19 **SECTION 1624.** 49.475 (5) of the statutes is amended to read:

20 49.475 (5) From the appropriations under s. 20.435 (4) (bm) and (pa), the
21 department shall reimburse ~~an insurer~~ A 3rd party that provides information under
22 this section sub. (2) (a) for the insurer's 3rd party's reasonable costs incurred in
23 providing the requested information, including its reasonable costs, if any, to develop
24 and operate automated systems specifically for the disclosure of the information
25 ~~under this section~~.

SENATE BILL 40**SECTION 1625**

1 **SECTION 1625.** 49.475 (6) of the statutes is created to read:

2 49.475 (6) SHARING INFORMATION. The department of health and family services
3 shall provide to the department of workforce development, for purposes of the
4 medical support liability program under s. 49.22, any information that the
5 department of health and family services receives under this section. The
6 department of workforce development may allow a county child support agency
7 under s. 59.53 (5) or a tribal child support agency access to the information, subject
8 to the use and disclosure restrictions under s. 49.83, and shall consult with the
9 department of health and family services regarding procedures and methods to
10 adequately safeguard the confidentiality of the information provided under this
11 subsection.

12 **SECTION 1626.** 49.475 (6) of the statutes, as created by 2007 Wisconsin Act ...
13 (this act), is amended to read:

14 49.475 (6) SHARING INFORMATION. The department of health and family services
15 shall provide to the department of ~~workforce development~~ children and families, for
16 purposes of the medical support liability program under s. 49.22, any information
17 that the department of health and family services receives under this section. The
18 department of ~~workforce development~~ children and families may allow a county child
19 support agency under s. 59.53 (5) or a tribal child support agency access to the
20 information, subject to the use and disclosure restrictions under s. 49.83, and shall
21 consult with the department of health and family services regarding procedures and
22 methods to adequately safeguard the confidentiality of the information provided
23 under this subsection.

24 **SECTION 1627.** 49.48 (1m) of the statutes is amended to read:

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1 49.48 (1m) If an individual who applies for or to renew a certification under
2 sub. (1) does not have a social security number, the individual, as a condition of
3 obtaining the certification, shall submit a statement made or subscribed under oath
4 or affirmation to the department that the applicant does not have a social security
5 number. The form of the statement shall be prescribed by the department of
6 ~~workforce development~~ children and families. A certification issued or renewed in
7 reliance upon a false statement submitted under this subsection is invalid.

8 **SECTION 1628.** 49.48 (2) of the statutes is amended to read:

9 49.48 (2) The department of ~~health and family services~~ may not disclose any
10 information received under sub. (1) to any person except to the department of
11 ~~workforce development~~ children and families for the purpose of making
12 certifications required under s. 49.857.

13 **SECTION 1629.** 49.48 (3) of the statutes is amended to read:

14 49.48 (3) The department of ~~health and family services~~ shall deny an
15 application for the issuance or renewal of a certification specified in sub. (1), shall
16 suspend a certification specified in sub. (1) or may, under a memorandum of
17 understanding under s. 49.857 (2), restrict a certification specified in sub. (1) if the
18 department of ~~workforce development~~ children and families certifies under s. 49.857
19 that the applicant for or holder of the certificate is delinquent in the payment of
20 court-ordered payments of child or family support, maintenance, birth expenses,
21 medical expenses or other expenses related to the support of a child or former spouse
22 or fails to comply, after appropriate notice, with a subpoena or warrant issued by the
23 department of ~~workforce development~~ children and families or a county child
24 support agency under s. 59.53 (5) and related to paternity or child support
25 proceedings.

SENATE BILL 40**SECTION 1630**

1 **SECTION 1630.** 49.49 (3m) (a) (intro.) of the statutes is amended to read:

2 49.49 **(3m)** (a) (intro.) No provider may knowingly impose upon a recipient
3 charges in addition to payments received for services under ss. 49.45 to ~~49.47~~ 49.471
4 or knowingly impose direct charges upon a recipient in lieu of obtaining payment
5 under ss. 49.45 to ~~49.47~~ 49.471 except under the following conditions:

6 **SECTION 1631.** 49.49 (3m) (a) 1. of the statutes is amended to read:

7 49.49 **(3m)** (a) 1. Benefits or services are not provided under s. 49.46 (2) or
8 49.471 (11) and the recipient is advised of this fact prior to receiving the service.

9 **SECTION 1632.** 49.49 (3m) (a) 2. of the statutes is amended to read:

10 49.49 **(3m)** (a) 2. If an applicant is determined to be eligible retroactively under
11 s. 49.46 (1) (b) or 49.47 (4) (d) and a provider bills the applicant directly for services
12 and benefits rendered during the retroactive period, the provider shall, upon
13 notification of the applicant's retroactive eligibility, submit claims for
14 reimbursement payment under s. 49.45 for covered services or benefits rendered to
15 the recipient during the retroactive period. Upon receipt of payment under s. 49.45,
16 the provider shall reimburse the ~~applicant~~ recipient or other person who has made
17 prior payment to the provider. ~~No provider may be required to reimburse the~~
18 ~~applicant or other person in excess of the amount reimbursed under s. 49.45 for~~
19 ~~services provided to the recipient during the retroactive eligibility period, by the~~
20 amount of the prior payment made.

21 **SECTION 1633.** 49.49 (3m) (a) 2. of the statutes, as affected by 2007 Wisconsin
22 Act (this act), is amended to read:

23 49.49 **(3m)** (a) 2. If an applicant is determined to be eligible retroactively under
24 s. 49.46 (1) (b) ~~or~~, 49.47 (4) (d), or 49.471 and a provider bills the applicant directly
25 for services and benefits rendered during the retroactive period, the provider shall,

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1 upon notification of the applicant's retroactive eligibility, submit claims for payment
2 under s. 49.45 for covered services or benefits rendered to the recipient during the
3 retroactive period. Upon receipt of payment under s. 49.45, the provider shall
4 reimburse the recipient or other person who has made prior payment to the provider
5 for services provided to the recipient during the retroactive eligibility period, by the
6 amount of the prior payment made.

7 **SECTION 1634.** 49.49 (3m) (a) 3. of the statutes is amended to read:

8 49.49 (3m) (a) 3. Benefits or services for which recipient copayment,
9 coinsurance, or deductible is required under s. 49.45 (18), not to exceed maximum
10 amounts allowable under 42 CFR 447.53 to 447.58, or for which recipient copayment
11 or coinsurance is required under s. 49.471 (11).

12 **SECTION 1635.** 49.497 (title) of the statutes is amended to read:

13 **49.497 (title) Recovery of incorrect Medical Assistance or Badger Care**
14 **payments and of unpaid employer penalties.**

15 **SECTION 1636.** 49.497 (1r) of the statutes is created to read:

16 49.497 (1r) (a) The department may recover any penalty assessment not paid
17 under s. 49.471 (9) (c) from the employer against which the penalty was assessed.
18 If, after notice that payment of a penalty is overdue, the employer who is liable fails
19 to pay the penalty amount, or enter into or comply with an agreement for payment,
20 the department may bring an action to enforce the liability or may issue an order to
21 compel payment of the liability. Any person aggrieved by an order issued by the
22 department under this paragraph may appeal the order as a contested case under
23 ch. 227 by filing with the department a request for a hearing within 30 days after the
24 date of the order. The only issue at the hearing shall be the determination by the

SENATE BILL 40**SECTION 1636**

1 department that the person has not paid the penalty or entered into, or complied
2 with, an agreement for payment.

3 (b) If any employer named in an order to compel payment issued under par. (a)
4 fails to pay the department any amount due under the terms of the order and no
5 contested case to review the order is pending and the time for filing for a contested
6 case review has expired, the department may present a certified copy of the order to
7 the circuit court for any county. The sworn statement of the secretary shall be
8 evidence of the failure to pay the penalty. The circuit court shall, without notice,
9 render judgment in accordance with the order. A judgment rendered under this
10 paragraph shall have the same effect and shall be entered in the judgment and lien
11 docket and may be enforced in the same manner as if the judgment had been
12 rendered in an action tried and determined by the circuit court.

13 (c) The recovery procedure under this subsection is in addition to any other
14 recovery procedure authorized by law.

15 **SECTION 1637.** 49.497 (4) of the statutes is amended to read:

16 49.497 (4) The department may appear for the state in any and all collection
17 matters under this section, and may commence suit in the name of the department
18 to recover an incorrect payment from the recipient to whom or on whose behalf it was
19 made or to recover an unpaid penalty from the employer against which the penalty
20 was assessed.

21 **SECTION 1638.** 49.665 (4) (ap) 2. of the statutes is repealed.

22 **SECTION 1639.** 49.665 (4) (at) 1. a. of the statutes is amended to read:

23 49.665 (4) (at) 1. a. Except as provided in subd. 1. b., the department shall
24 establish a lower maximum income level for the initial eligibility determination if
25 funding under s. 20.435 (4) ~~(be), (jz), (p), and (x),~~ and (xd) is insufficient to

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1 accommodate the projected enrollment levels for the health care program under this
2 section. The adjustment may not be greater than necessary to ensure sufficient
3 funding.

4 **SECTION 1640.** 49.665 (4) (at) 1. cm. of the statutes is amended to read:

5 49.665 (4) (at) 1. cm. Notwithstanding s. 20.001 (3) (b), if, after reviewing the
6 plan submitted under subd. 1. b., the joint committee on finance determines that the
7 amounts appropriated under s. 20.435 (4) ~~(bc)~~, (jz), (p), ~~and (x)~~, and (xd) are
8 insufficient to accommodate the projected enrollment levels, the committee may
9 transfer appropriated moneys from the general purpose revenue appropriation
10 account of any state agency, as defined in s. 20.001 (1), other than a sum sufficient
11 appropriation account, to the appropriation account under s. 20.435 (4) (bc) to
12 supplement the health care program under this section if the committee finds that
13 the transfer will eliminate unnecessary duplication of functions, result in more
14 efficient and effective methods for performing programs, or more effectively carry out
15 legislative intent, and that legislative intent will not be changed by the transfer.

16 **SECTION 1641.** 49.665 (4) (at) 2. of the statutes is amended to read:

17 49.665 (4) (at) 2. If, after the department has established a lower maximum
18 income level under subd. 1., projections indicate that funding under s. 20.435 (4) ~~(bc)~~,
19 (jz), (p), ~~and (x)~~, and (xd) is sufficient to raise the level, the department shall, by state
20 plan amendment, raise the maximum income level for initial eligibility, but not to
21 exceed 185% of the poverty line.

22 **SECTION 1642.** 49.665 (5m) of the statutes is repealed and recreated to read:

23 49.665 (5m) INFORMATION ABOUT BADGER CARE RECIPIENTS. The department
24 shall obtain and share information about Badger Care health care program
25 recipients as provided in s. 49.475.

SENATE BILL 40**SECTION 1643**

1 **SECTION 1643.** 49.665 (6) of the statutes is repealed.

2 **SECTION 1644.** 49.665 (7) (a) 1. of the statutes is amended to read:

3 49.665 (7) (a) 1. Notwithstanding sub. (4) (a) 3m. and ~~(ap) 2.~~, the department
4 shall mail information verification forms to the employers of the individuals required
5 to provide the verifications under sub. (4) (a) 3m. and ~~(ap) 2.~~ to obtain the information
6 specified.

7 **SECTION 1645.** 49.68 (3) (e) of the statutes is amended to read:

8 49.68 (3) (e) ~~State aids for services provided under this section shall be equal~~
9 ~~to the allowable charges under the federal Medicare program. In no case shall state~~
10 ~~rates for individual service elements exceed the federally defined allowable costs.~~
11 ~~The rate of charges for services not covered by public and private insurance shall not~~
12 ~~exceed the reasonable charges as established by medicare fee determination~~
13 ~~procedures. A person that provides to a patient a service for which aid is provided~~
14 ~~under this section shall accept the amount paid under this section for the service as~~
15 ~~payment in full and may not bill the patient for any amount by which the charge for~~
16 ~~the service exceeds the amount paid for the service under this section. The state may~~
17 ~~not pay for the cost of travel, lodging, or meals for persons who must travel to receive~~
18 ~~inpatient and outpatient dialysis treatment for kidney disease. This paragraph shall~~
19 ~~not apply to donor related costs as defined in par. (b).~~

20 **SECTION 1646.** 49.686 (6) of the statutes is created to read:

21 49.686 (6) HEALTH INSURANCE RISK-SHARING PLAN PILOT PROGRAM. (a) Subject
22 to par. (b), the department shall conduct a 3-year pilot program under which the
23 department may pay premiums for coverage under the Health Insurance
24 Risk-Sharing Plan under subch. II of ch. 149, and pay copayments under that plan

SENATE BILL 40**SECTION 1646**

1 for prescription drugs for which reimbursement may be provided under sub. (2), for
2 individuals who satisfy all of the following:

3 1. The individuals are eligible for reimbursement under this section.

4 2. The individuals are currently taking antiretroviral drugs.

5 3. The individuals do not have health insurance coverage.

6 4. The individuals are not eligible for premium subsidies under s. 252.16 or
7 252.17 because they are not on unpaid medical leave, are not unable to continue
8 employment, and have not had to reduce their employment hours because of an
9 illness or medical condition arising from or related to HIV.

10 (b) The pilot program shall be limited to no more than 100 individuals at any
11 given time.

12 (c) The department may promulgate rules for the administration of the pilot
13 program. Notwithstanding s. 227.24 (3), rules under this paragraph may be
14 promulgated as emergency rules under s. 227.24 without a finding of emergency.

15 **SECTION 1647.** 49.687 (title) of the statutes is amended to read:

16 **49.687 (title) Disease aids; patient requirements; rebate agreements;**
17 **~~cost containment general provisions.~~**

18 **SECTION 1648.** 49.687 (2r) of the statutes is created to read:

19 49.687 (2r) A person that provides a patient with a service for which aid is
20 provided under s. 49.68, 49.683, or 49.685 shall accept the amount paid under s.
21 49.68, 49.683, or 49.685 for the service as payment in full and may not bill the patient
22 for any amount by which the charge for the service exceeds the amount paid for the
23 service under s. 49.68, 49.683, or 49.685.

24 **SECTION 1649.** 49.687 (5) of the statutes is created to read:

SENATE BILL 40**SECTION 1649**

1 49.687 (5) The department may investigate suspected fraudulent activity and
2 other abuses on the part of persons receiving benefits under the programs under ss.
3 49.68, 49.683, and 49.685. The activities of the department under this subsection
4 may include comparisons of information provided to the department by an applicant
5 with information provided by the applicant to other federal, state, and local agencies
6 and the development of an advisory welfare investigation prosecution standard. The
7 department shall cooperate with district attorneys regarding fraud prosecutions.

8 **SECTION 1650.** 49.687 (6) of the statutes is created to read:

9 49.687 (6) The department shall obtain and share information about
10 individuals who receive benefits under s. 49.68, 49.683, or 49.685 as provided in s.
11 49.475.

12 **SECTION 1651.** 49.688 (5) (a) (intro.) of the statutes is amended to read:

13 49.688 (5) (a) (intro.) Beginning on September 1, 2002, except as provided in
14 sub. (7) (b), as a condition of participation by a pharmacy or pharmacist in the
15 program under s. 49.45, 49.46, ~~or 49.47~~, or 49.471, the pharmacy or pharmacist may
16 not charge a person who presents a valid prescription order and a card indicating
17 that he or she meets eligibility requirements under sub. (2) an amount for a
18 prescription drug under the order that exceeds the following:

19 **SECTION 1652.** 49.688 (7) (a) of the statutes is amended to read:

20 49.688 (7) (a) Except as provided in par. (b), from the appropriation accounts
21 under s. 20.435 (4) (bv), (j), ~~and (pg)~~, and (xh), beginning on September 1, 2002, the
22 department shall, under a schedule that is identical to that used by the department
23 for payment of pharmacy provider claims under medical assistance, provide to
24 pharmacies and pharmacists payments for prescription drugs sold by the
25 pharmacies or pharmacists to persons eligible under sub. (2) who have paid the

SENATE BILL 40**SECTION 1652**

1 deductible specified under sub. (3) (b) 1. or 2. or who, under sub. (3) (b) 1., are not
2 required to pay a deductible. The payment for each prescription drug under this
3 paragraph shall be at the program payment rate, minus any copayment paid by the
4 person under sub. (5) (a) 2. or 4., and plus, if applicable, incentive payments that are
5 similar to those provided under s. 49.45 (8v). The department shall devise and
6 distribute a claim form for use by pharmacies and pharmacists under this paragraph
7 and may limit payment under this paragraph to those prescription drugs for which
8 payment claims are submitted by pharmacists or pharmacies directly to the
9 department. The department may apply to the program under this section the same
10 utilization and cost control procedures that apply under rules promulgated by the
11 department to medical assistance under subch. IV of ch. 49.

12 **SECTION 1653.** 49.688 (7) (b) of the statutes is amended to read:

13 49.688 (7) (b) During any period in which funding under s. 20.435 (4) (bv) and,
14 (pg), and (xh) is completely expended for the payments specified in par. (a), the
15 requirements of par. (a) and subs. (3) (c), (5), and (6) (a) and (b) do not apply to drugs
16 purchased during that period, but the department shall continue to accept
17 applications and determine eligibility under sub. (4) and shall indicate to applicants
18 that the eligibility of program participants to purchase prescription drugs as
19 specified in sub. (3), under the requirements of sub. (5), is conditioned on the
20 availability of funding under s. 20.435 (4) (bv) and, (pg), and (xh).

21 **SECTION 1654.** 49.688 (8) of the statutes is amended to read:

22 49.688 (8) The department shall, under methods promulgated by the
23 department by rule, monitor compliance by pharmacies and pharmacists that are
24 certified providers of medical assistance with the requirements of sub. (5) and shall
25 annually report to the legislature under s. 13.172 (2) concerning the compliance. The

SENATE BILL 40**SECTION 1654**

1 ~~report shall include information on any pharmacies or pharmacists that discontinue~~
2 ~~participation as certified providers of medical assistance and the reasons given for~~
3 ~~the discontinuance.~~

4 **SECTION 1655.** 49.688 (8m) of the statutes is repealed and recreated to read:

5 49.688 **(8m)** The department shall obtain and share information about
6 participants in the program under this section as provided in s. 49.475.

7 **SECTION 1656.** 49.775 (2) (bm) of the statutes is amended to read:

8 49.775 **(2)** (bm) The custodial parent assigns to the state any right of the
9 custodial parent or of the dependent child to support from any other person. No
10 amount of support that begins to accrue after the individual ceases to receive
11 payments under this section may be considered assigned to the state. Any money
12 that is received by the department of ~~workforce development~~ children and families
13 under an assignment to the state under this paragraph and that is not the federal
14 share of support shall be paid to the custodial parent. The department of ~~workforce~~
15 ~~development~~ children and families shall pay the federal share of support assigned
16 under this paragraph as required under federal law or waiver.

17 **SECTION 1657.** 49.78 (4) of the statutes is amended to read:

18 49.78 **(4)** RULES; MERIT SYSTEM. The department of ~~workforce development~~
19 children and families shall promulgate rules for the efficient administration of aid
20 to families with dependent children in agreement with the requirement for federal
21 aid, including the establishment and maintenance of personnel standards on a merit
22 basis. The provisions of this section relating to personnel standards on a merit basis
23 supersede any inconsistent provisions of any law relating to county personnel. This
24 subsection shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

25 **SECTION 1658.** 49.78 (5) of the statutes is amended to read:

SENATE BILL 40**SECTION 1658**

1 49.78 (5) PERSONNEL EXAMINATIONS. Statewide examinations to ascertain
2 qualifications of applicants in any county department administering aid to families
3 with dependent children shall be given by the administrator of the division of merit
4 recruitment and selection in the office of state employment relations. The office of
5 state employment relations shall be reimbursed for actual expenditures incurred in
6 the performance of its functions under this section from the appropriations available
7 to the department of ~~health and family services~~ children and families for
8 administrative expenditures.

9 **SECTION 1659.** 49.78 (7) of the statutes is amended to read:

10 49.78 (7) COUNTY PERSONNEL SYSTEMS. Pursuant to rules promulgated under
11 sub. (4), the department of ~~workforce development~~ children and families where
12 requested by the county shall delegate to that county, without restriction because of
13 enumeration, any or all of the authority of the department of ~~workforce~~
14 ~~development's authority~~ children and families under sub. (4) to establish and
15 maintain personnel standards including salary levels.

16 **SECTION 1660.** 49.785 (1) (intro.) of the statutes is amended to read:

17 49.785 (1) (intro.) Except as provided in sub. (1m), if any recipient of benefits
18 under ~~s. 49.148, 49.46 or 49.77, or under 42 USC 1381 to 1385 in effect on~~
19 ~~May 8, 1980, specified in sub. (1c)~~ dies and the estate of the deceased recipient is
20 insufficient to pay the funeral, burial, and cemetery expenses of the deceased
21 recipient, the county or applicable tribal governing body or organization responsible
22 for burial of the recipient shall pay, to the person designated by the county
23 department under s. 46.215, 46.22, or 46.23 or applicable tribal governing body or
24 organization responsible for the burial of the recipient, all of the following:

25 **SECTION 1661.** 49.785 (1c) of the statutes is created to read:

SENATE BILL 40**SECTION 1661**

1 49.785 (1c) All of the following are eligible recipients under this section:

2 (a) A recipient of benefits under s. 49.148, 49.46, or 49.77, or under 42 USC 1381
3 to 1385 in effect on May 8, 1980.

4 (b) A recipient of benefits under s. 49.471 who is any of the following:

5 1. A pregnant woman or a child under 6 years of age with a family income not
6 exceeding 185 percent of the poverty line at the time of death.

7 2. A child at least 6 years of age but less than 19 years of age with a family
8 income not exceeding 100 percent of the poverty line at the time of death.

9 3. A parent or caretaker relative with a family income not exceeding 50 percent
10 of the poverty line at the time of death.

11 **SECTION 1662.** 49.79 (1) (b) of the statutes is repealed.

12 **SECTION 1663.** 49.79 (1) (d) of the statutes is repealed.

13 **SECTION 1664.** 49.79 (1) (e) of the statutes is repealed.

14 **SECTION 1665.** 49.79 (1) (g) of the statutes is created to read:

15 49.79 (1) (g) “Wisconsin Works employment position” has the meaning given
16 in s. 49.141 (1) (r).

17 **SECTION 1666.** 49.79 (2) (a) of the statutes is repealed.

18 **SECTION 1667.** 49.79 (2) (b) of the statutes is renumbered 49.79 (2).

19 **SECTION 1668.** 49.79 (9) (a) 2. of the statutes, as affected by 2007 Wisconsin Act
20 (this act), is amended to read:

21 49.79 (9) (a) 2. The department may not require an individual who is a recipient
22 under the food stamp program and who is the caretaker of a child under the age of
23 ~~12~~ 26 weeks to participate in any employment and training program under this
24 subsection.

25 **SECTION 1669.** 49.79 (10) of the statutes is repealed.

SENATE BILL 40**SECTION 1670**

1 **SECTION 1670.** 49.81 (intro.) of the statutes is amended to read:

2 **49.81 Public assistance recipients' bill of rights.** (intro.) The department
3 of health and family services, the department of ~~workforce development~~ children and
4 families, and all public assistance and relief-granting agencies shall respect rights
5 for recipients of public assistance. The rights shall include all rights guaranteed by
6 the U.S. constitution and the constitution of this state, and in addition shall include:

7 **SECTION 1671.** 49.81 (4) of the statutes is amended to read:

8 49.81 **(4)** The right to a speedy determination of the recipient's status or
9 eligibility for public assistance, to notice of any proposed change in such status or
10 eligibility, and, in the case of assistance granted under s. 49.19, 49.46, 49.468 or,
11 49.47, or 49.471, to a speedy appeals process for resolving contested determinations.

12 **SECTION 1672.** 49.82 (1) of the statutes is amended to read:

13 49.82 **(1)** DEPARTMENTS TO ADVISE COUNTIES. The department of health and
14 family services and the department of ~~workforce development~~ children and families
15 shall advise all county officers charged with the administration of requirements
16 relating to public assistance programs under this chapter and shall render all
17 possible assistance in securing compliance therewith, including the preparation of
18 necessary forms and reports. The department of health and family services and the
19 department of ~~workforce development~~ children and families shall also publish any
20 information that those departments consider advisable to acquaint persons entitled
21 to public assistance, and the public generally, with the laws governing public
22 assistance under this chapter.

23 **SECTION 1673.** 49.82 (2) of the statutes is renumbered 49.82 (2) (a) and
24 amended to read:

SENATE BILL 40**SECTION 1673**

1 49.82 (2) (a) ~~Proof shall be provided~~ Except as provided in par. (b), for each
2 person included in an application for public assistance under this chapter, ~~except for~~
3 ~~a child who is eligible for medical assistance under s. 49.46 or 49.47 because of 42~~
4 ~~USC 1396a (e) (4) or an unborn child who is eligible for coverage under the Badger~~
5 ~~Care health care program under s. 49.665 (4) (ap)~~, proof shall be provided of his or
6 her social security number or that an application for a social security number has
7 been made.

8 **SECTION 1674.** 49.82 (2) (b) of the statutes is created to read:

9 49.82 (2) (b) Paragraph (a) does not apply to any of the following:

10 1. A child who is eligible for medical assistance under s. 49.46 or 49.47 because
11 of 42 USC 1396a (e) (4).

12 2. An unborn child who is eligible for coverage under the Badger Care health
13 care program under s. 49.665 (4) (ap).

14 3. A person who is applying for medical assistance under subch. IV, coverage
15 under the Badger Care health care program under s. 49.665, or coverage under the
16 program for prescription drug assistance for elderly persons under s. 49.688 and who
17 refuses to obtain a social security number because of well-established religious
18 objections, as defined in 42 CFR 435.910 (h) (2).

19 **SECTION 1675.** 49.82 (2) (b) 1. of the statutes, as created by 2007 Wisconsin Act
20 (this act), is amended to read:

21 49.82 (2) (b) 1. A child who is eligible for medical assistance under s. 49.46 or,
22 49.47, or 49.471 because of 42 USC 1396a (e) (4).

23 **SECTION 1676.** 49.82 (2) (b) 2. of the statutes, as created by 2007 Wisconsin Act
24 (this act), is amended to read:

SENATE BILL 40**SECTION 1676**

1 49.82 (2) (b) 2. An unborn child who is eligible for coverage under s. 49.471 or
2 the Badger Care health care program under s. 49.665 (4) (ap).

3 **SECTION 1677.** 49.83 of the statutes is amended to read:

4 **49.83 Limitation on giving information.** Except as provided under s. 49.32
5 (9), (10), and (10m), no person may use or disclose information concerning applicants
6 and recipients of relief funded by a relief block grant, aid to families with dependent
7 children, Wisconsin Works under ss. 49.141 to 49.161, social services, child and
8 spousal support and establishment of paternity and medical support liability
9 services under s. 49.22, or supplemental payments under s. 49.77 for any purpose not
10 connected with the administration of the programs, except that the department of
11 ~~workforce development~~ children and families may disclose such information to the
12 department of revenue for the sole purpose of administering state taxes. Any person
13 violating this section may be fined not less than \$25 nor more than \$500 or
14 imprisoned in the county jail not less than 10 days nor more than one year or both.

15 **SECTION 1678.** 49.84 (6) of the statutes is created to read:

16 49.84 (6) (a) In this subsection, “department” means the department of health
17 and family services.

18 (b) 1. Notwithstanding any other eligibility requirements for the programs
19 specified in par. (c), unless excepted by par. (c) an applicant for or recipient under any
20 of those programs who declares himself or herself to be a citizen or national of the
21 United States shall provide, as a further condition of eligibility, satisfactory
22 documentary evidence, as provided in par. (d), that he or she is a citizen or national
23 of the United States.

24 2. An applicant shall provide the documentation at the time of application. If
25 a recipient was not required to provide documentation at the time he or she applied,

SENATE BILL 40**SECTION 1678**

1 the recipient shall provide the documentation the first time his or her eligibility is
2 reviewed or redetermined after the effective date of this subdivision [revisor
3 inserts date]. An applicant or recipient shall be granted a reasonable time, as
4 determined by the department, to submit the documentation before his or her
5 eligibility is denied or terminated.

6 (c) The requirement to provide satisfactory documentary evidence under par.

7 (b) applies to applicants for and recipients under all of the following:

8 1. The Medical Assistance program under subch. IV, except for any of the
9 following:

10 a. An applicant or recipient who is entitled to benefits under or enrolled in any
11 part of Medicare under 42 USC 1395 et seq., as amended.

12 b. An applicant or recipient who is receiving supplemental security income
13 under 42 USC 1381 to 1383c.

14 c. A person who is eligible for medical assistance under s. 49.45 (27).

15 d. A child who is receiving medical assistance under s. 49.46 (1) (a) 13. or 49.47
16 (4) (am) 3.

17 e. A pregnant woman who is receiving medical assistance under s. 49.465.

18 2. The Badger Care health care program under s. 49.665, except for an unborn
19 child under s. 49.665 (4) (ap).

20 3. The part of the prescription drug assistance for elderly persons program
21 under s. 49.688 that is supported by a Medical Assistance waiver under 42 USC 1315
22 (a), as authorized under s. 49.688 (11).

23 (d) Satisfactory documentary evidence that an applicant or a recipient is a
24 citizen or national of the United States consists of the documents or other forms of
25 evidence specified in 42 CFR 435.407.

SENATE BILL 40**SECTION 1679**

1 **SECTION 1679.** 49.84 (6) (c) 1. d. of the statutes, as created by 2007 Wisconsin
2 Act (this act), is amended to read:

3 49.84 **(6)** (c) 1. d. A child who is receiving medical assistance under s. 49.46 (1)
4 (a) 13. ~~or~~, 49.47 (4) (am) 3., or 49.471 (4) (a) 2. or (b) 2. or an unborn child receiving
5 prenatal care under s. 49.471.

6 **SECTION 1680.** 49.84 (6) (c) 1. e. of the statutes, as created by 2007 Wisconsin
7 Act (this act), is amended to read:

8 49.84 **(6)** (c) 1. e. A pregnant woman who is receiving medical assistance under
9 s. 49.465 or a child or pregnant woman who is receiving medical assistance under s.
10 49.471 (5) (b) 1. or 2.

11 **SECTION 1681.** 49.845 (1) of the statutes is amended to read:

12 49.845 **(1)** FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)
13 (bn), (kz), (L), and (nn), the department of health and family services shall establish
14 a program to investigate suspected fraudulent activity on the part of recipients of
15 medical assistance under subch. IV, food stamp benefits under the food stamp
16 program under 7 USC 2011 to 2036, supplemental security income payments under
17 s. 49.77, payments for the support of children of supplemental security income
18 recipients under s. 49.775, and health care benefits under the Badger Care health
19 care program under s. 49.665 and, if the department of ~~workforce development~~
20 children and families contracts with the department of health and family services
21 under sub. (4), on the part of recipients of aid to families with dependent children
22 under s. 49.19 and participants in the Wisconsin Works program under ss. 49.141 to
23 49.161. The activities of the department of health and family services under this
24 subsection may include comparisons of information provided to the department by
25 an applicant and information provided by the applicant to other federal, state, and

SENATE BILL 40**SECTION 1681**

1 local agencies, development of an advisory welfare investigation prosecution
2 standard, and provision of funds to county departments under ss. 46.215, 46.22, and
3 46.23 and to Wisconsin Works agencies to encourage activities to detect fraud. The
4 department of health and family services shall cooperate with district attorneys
5 regarding fraud prosecutions.

6 **SECTION 1682.** 49.845 (2) of the statutes is amended to read:

7 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health and
8 family services shall conduct activities to reduce payment errors in the Medical
9 Assistance program under subch. IV, the food stamp program under 7 USC 2011 to
10 2036, the supplemental security income payments program under s. 49.77, the
11 program providing payments for the support of children of supplemental security
12 income recipients under s. 49.775, and the Badger Care health care program under
13 s. 49.665 and, if the department of ~~workforce development~~ children and families
14 contracts with the department of health and family services under sub. (4), in
15 Wisconsin Works under ss. 49.141 to 49.161.

16 **SECTION 1683.** 49.845 (3) of the statutes is amended to read:

17 49.845 (3) WISCONSIN WORKS AGENCY ERROR REDUCTION. If the department of
18 ~~workforce development~~ children and families contracts with the department of
19 health and family services under sub. (4), the department of health and family
20 services shall provide funds from the appropriation under s. 20.435 (4) (kz) to
21 Wisconsin Works agencies to offset the administrative costs of reducing payment
22 errors in Wisconsin Works under ss. 49.141 to 49.161.

23 **SECTION 1684.** 49.845 (4) of the statutes is amended to read:

24 49.845 (4) CONTRACT FOR WISCONSIN WORKS. Notwithstanding s. 49.197 (1m)
25 and (3), the department of ~~workforce development~~ children and families may

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1 contract with the department of health and family services to investigate suspected
2 fraudulent activity on the part of recipients of aid to families with dependent
3 children under s. 49.19 and participants in Wisconsin Works under ss. 49.141 to
4 49.161 and to conduct activities to reduce payment errors in Wisconsin Works under
5 ss. 49.141 to 49.161, as provided in this section.

6 **SECTION 1685.** 49.85 (1) of the statutes is amended to read:

7 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under
8 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American
9 Indian tribe or band determines that the department of health and family services
10 may recover an amount under s. 49.497, 49.793, or 49.847, or that the department
11 of ~~workforce development~~ children and families may recover an amount under s.
12 49.161 or 49.195 (3) or collect an amount under s. 49.147 (6) (cm), the county
13 department or governing body shall notify the affected department of the
14 determination. If a Wisconsin Works agency determines that the department of
15 ~~workforce development~~ children and families may recover an amount under s. 49.161
16 or 49.195 (3), or collect an amount under s. 49.147 (6) (cm), the Wisconsin Works
17 agency shall notify the department of ~~workforce development~~ children and families
18 of the determination.

19 **SECTION 1686.** 49.85 (2) (b) of the statutes is amended to read:

20 49.85 (2) (b) At least annually, the department of ~~workforce development~~
21 children and families shall certify to the department of revenue the amounts that,
22 based on the notifications received under sub. (1) and on other information received
23 by the department of ~~workforce development~~ children and families, the department
24 of ~~workforce development~~ children and families has determined that it may recover
25 under ss. 49.161 and 49.195 (3) and collect under s. 49.147 (6) (cm), except that the

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1 department of ~~workforce development~~ children and families may not certify an
2 amount under this subsection unless it has met the notice requirements under sub.
3 (3) and unless its determination has either not been appealed or is no longer under
4 appeal.

5 **SECTION 1687.** 49.85 (3) (b) (intro.) of the statutes is amended to read:

6 49.85 (3) (b) (intro.) At least 30 days before certification of an amount, the
7 department of ~~workforce development~~ children and families shall send a notice to the
8 last-known address of the person from whom that department intends to recover or
9 collect the amount. The notice shall do all of the following:

10 **SECTION 1688.** 49.85 (3) (b) 1. of the statutes is amended to read:

11 49.85 (3) (b) 1. Inform the person that the department of ~~workforce~~
12 ~~development~~ children and families intends to certify to the department of revenue
13 an amount that the department of ~~workforce development~~ children and families has
14 determined to be due under s. 49.161 or 49.195 (3) or to be delinquent under a
15 repayment agreement for a loan under s. 49.147 (6), for setoff from any state tax
16 refund that may be due the person.

17 **SECTION 1689.** 49.85 (3) (b) 2. of the statutes is amended to read:

18 49.85 (3) (b) 2. Inform the person that he or she may appeal the determination
19 of the department of ~~workforce development~~ children and families to certify the
20 amount by requesting a hearing under sub. (4) within 30 days after the date of the
21 letter and inform the person of the manner in which he or she may request a hearing.

22 **SECTION 1690.** 49.85 (3) (b) 3. of the statutes is amended to read:

23 49.85 (3) (b) 3. Inform the person that, if the determination of the department
24 of ~~workforce development~~ children and families is appealed, that department will

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1 not certify the amount to the department of revenue while the determination of the
2 department of ~~workforce development~~ children and families is under appeal.

3 **SECTION 1691.** 49.85 (3) (b) 4. of the statutes is amended to read:

4 49.85 (3) (b) 4. Inform the person that, unless a contested case hearing is
5 requested to appeal the determination of the department of ~~workforce development~~
6 children and families, the person may be precluded from challenging any subsequent
7 setoff of the certified amount by the department of revenue, except on the grounds
8 that the certified amount has been partially or fully paid or otherwise discharged,
9 since the date of the notice.

10 **SECTION 1692.** 49.85 (3) (b) 5. of the statutes is amended to read:

11 49.85 (3) (b) 5. Request that the person inform the department of ~~workforce~~
12 ~~development~~ children and families if a bankruptcy stay is in effect with respect to the
13 person or if the claim has been discharged in bankruptcy.

14 **SECTION 1693.** 49.85 (4) (b) of the statutes is amended to read:

15 49.85 (4) (b) If a person has requested a hearing under this subsection, the
16 department of ~~workforce development~~ children and families shall hold a contested
17 case hearing under s. 227.44, except that the department of ~~workforce development~~
18 children and families may limit the scope of the hearing to exclude issues that were
19 presented at a prior hearing or that could have been presented at a prior opportunity
20 for hearing.

21 **SECTION 1694.** 49.85 (5) of the statutes is amended to read:

22 49.85 (5) EFFECT OF CERTIFICATION. Receipt of a certification by the department
23 of revenue shall constitute a lien, equal to the amount certified, on any state tax
24 refunds or credits owed to the obligor. The lien shall be foreclosed by the department
25 of revenue as a setoff under s. 71.93. Certification of an amount under this section

SENATE BILL 40**SECTION 1694**

1 does not prohibit the department of health and family services or the department of
2 ~~workforce development~~ children and families from attempting to recover or collect
3 the amount through other legal means. The department of health and family
4 services or the department of ~~workforce development~~ children and families shall
5 promptly notify the department of revenue upon recovery or collection of any amount
6 previously certified under this section.

7 **SECTION 1695.** 49.852 (1) of the statutes is renumbered 49.852 (1m) and
8 amended to read:

9 49.852 (1m) The department of ~~workforce development~~ may direct the
10 department of employee trust funds, the retirement system of any 1st class city, any
11 retirement system established under chapter 201, laws of 1937, or the administrator
12 of any other pension plan to withhold the amount specified in the statewide support
13 lien docket under s. 49.854 (2) (b) from any lump sum payment from a pension plan
14 that may be paid a delinquent support obligor, except that the department of ~~of~~
15 ~~workforce development~~ may not direct that an amount be withheld under this
16 subsection unless it has met the notice requirements under sub. (2) and unless the
17 amount specified has either not been appealed or is no longer under appeal under s.
18 49.854.

19 **SECTION 1696.** 49.852 (1c) of the statutes is created to read:

20 49.852 (1c) In this section, “department” means the department of children
21 and families.

22 **SECTION 1697.** 49.852 (2) (intro.) of the statutes is amended to read:

23 49.852 (2) (intro.) The department of ~~of~~ ~~workforce development~~ shall send a
24 notice to the last-known address of the person from whom the department intends

SENATE BILL 40**SECTION 1697**

1 to recover the amount specified in the statewide support lien docket under s. 49.854
2 (2) (b). The notice shall do all of the following:

3 **SECTION 1698.** 49.852 (2) (c) of the statutes is amended to read:

4 49.852 (2) (c) Request that the person inform the department of ~~workforce~~
5 ~~development~~ or the appropriate county child support agency under s. 59.53 (5) if a
6 bankruptcy stay is in effect with respect to the person.

7 **SECTION 1699.** 49.852 (3) of the statutes is amended to read:

8 49.852 (3) If a person has requested a hearing pursuant to sub. (2) (b), the
9 hearing shall be conducted before the circuit court that rendered the initial order to
10 pay support. The court shall schedule a hearing within 10 business days after
11 receiving a request for a hearing. A circuit court commissioner may conduct the
12 hearing. If the court determines that the person owes the amount specified in the
13 statewide support lien docket under s. 49.854 (2) (b), the department of ~~workforce~~
14 ~~development~~ may direct the department of employee trust funds, the retirement
15 system of any 1st class city, any retirement system established under chapter 201,
16 laws of 1937, or the administrator of any other pension plan, whichever is
17 appropriate, to withhold the amount from any lump sum payment from a pension
18 plan that may be paid the person. If the court determines that the person does not
19 owe the amount specified in the statewide support lien docket under s. 49.854 (2) (b),
20 the department of ~~workforce development~~ may not direct the department of
21 employee trust funds, the retirement system of any 1st class city, any retirement
22 system established under chapter 201, laws of 1937, or the administrator of any
23 other pension plan, whichever is appropriate, to withhold the amount from any lump
24 sum payment from a pension plan that may be paid the person.

25 **SECTION 1700.** 49.852 (4) (a) of the statutes is amended to read:

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1 49.852 (4) (a) If the department of ~~workforce development~~ directs the
2 department of employee trust funds, the retirement system of any 1st class city, any
3 retirement system established under chapter 201, laws of 1937, or the administrator
4 of any other pension plan to withhold the amount specified in the statewide support
5 lien docket under s. 49.854 (2) (b), this directive shall constitute a lien, equal to the
6 amount specified in the statewide support lien docket, on any lump sum payment
7 from a pension plan that may be paid the person.

8 **SECTION 1701.** 49.852 (4) (b) of the statutes is amended to read:

9 49.852 (4) (b) If the department of ~~workforce development~~ directs the
10 department of employee trust funds, the retirement system of any 1st class city, any
11 retirement system established under chapter 201, laws of 1937, or the administrator
12 of any other pension plan to withhold the amount specified in the statewide support
13 lien docket under s. 49.854 (2) (b), the department of employee trust funds, the
14 retirement system of any 1st class city, any retirement system established under
15 chapter 201, laws of 1937, or the administrator of any other pension plan shall deduct
16 from any lump sum payment that may be paid the person the amount specified in
17 the statewide support lien docket, less any amount specified under par. (d). If the
18 amount specified in the statewide support lien docket under s. 49.854 (2) (b), less any
19 amount specified under par. (d), exceeds the lump sum payment, the department of
20 employee trust funds, the retirement system of any 1st class city, any retirement
21 system established under chapter 201, laws of 1937, or the administrator of any
22 other pension plan shall deduct the entire lump sum payment, less any withholdings
23 otherwise required by law. The amount deducted under this paragraph shall be
24 remitted to the department of ~~workforce development~~.

25 **SECTION 1702.** 49.852 (4) (c) of the statutes is amended to read:

SENATE BILL 40**SECTION 1702**

1 49.852 (4) (c) A directive to the department of employee trust funds, the
2 retirement system of any 1st class city, any retirement system established under
3 chapter 201, laws of 1937, or the administrator of any other pension plan to withhold
4 the amount specified in the statewide support lien docket under s. 49.854 (2) (b)
5 under this section does not prohibit the department of ~~workforce development~~ from
6 attempting to recover the amount through other legal means.

7 **SECTION 1703.** 49.852 (4) (d) of the statutes is amended to read:

8 49.852 (4) (d) The department of ~~workforce development~~ shall promptly notify
9 the department of employee trust funds, the retirement system of any 1st class city,
10 any retirement system established under chapter 201, laws of 1937, or the
11 administrator of any other pension plan upon recovery of any amount previously
12 specified in the statewide support lien docket under s. 49.854 (2) (b).

13 **SECTION 1704.** 49.853 (1) (b) of the statutes is amended to read:

14 49.853 (1) (b) “Department” means the department of ~~workforce development~~
15 children and families.

16 **SECTION 1705.** 49.854 (1) (a) of the statutes is amended to read:

17 49.854 (1) (a) “Department” means the department of ~~workforce development~~
18 children and families.

19 **SECTION 1706.** 49.854 (5) (a) 3. of the statutes is created to read:

20 49.854 (5) (a) 3. “Lien” means a lien under this section or a lien in favor of
21 another state based on a support obligation, including a lien placed under s. 769.305
22 (2) (g).

23 **SECTION 1707.** 49.854 (5) (b) of the statutes is amended to read:

24 49.854 (5) (b) *Notice to the financial institution.* To enforce a lien ~~under this~~
25 ~~section~~ by levying against an account at a financial institution, the department shall

SENATE BILL 40**SECTION 1707**

1 send a notice of levy to the financial institution instructing the financial institution
2 to prohibit the closing of or withdrawals from one or more accounts that the obligor
3 owns in whole or in part, up to a total amount that is sufficient to pay the support
4 owed, financial institution fees under par. (e), and estimated levy fees and costs
5 under sub. (11), until further notice from the department or a court. The financial
6 institution shall comply with the notice of levy and shall hold the amount specified
7 in the notice until the financial institution receives further instructions from the
8 department or a court.

9 **SECTION 1708.** 49.854 (5) (c) of the statutes is created to read:

10 49.854 (5) (c) *Liens in favor of other states.* Notwithstanding par. (b), if a lien
11 under par. (b) is in favor of another state, the notice sent by the department to the
12 financial institution may consist of the request from the other state to enforce the
13 lien, a certification by the department that any necessary due process requirements
14 were met in the other state, a request that the financial institution honor the request
15 from the other state by sending the amount specified in the request directly to the
16 other state, and the address to which the financial institution shall send the funds.
17 Notice and hearing requirements under pars. (d) and (f) do not apply to a lien in favor
18 of another state.

19 **SECTION 1709.** 49.854 (5) (e) of the statutes is amended to read:

20 49.854 (5) (e) *Financial institution fees.* A financial institution may continue
21 to collect fees, under the terms of the account agreement, on accounts frozen under
22 this subsection. In addition to the levy fee authorized under sub. (11) (a), a financial
23 institution may collect any early withdrawal penalty incurred under the terms of an
24 account as a result of the levy. Financial institution fees authorized under this
25 paragraph may be charged to the account immediately prior to the remittance of the

SENATE BILL 40**SECTION 1709**

1 amount to the department or the other state and may be charged even if the amounts
2 in the obligor's accounts are insufficient to pay the total amount of support owed and
3 the department's levy costs under sub. (11) (b).

4 **SECTION 1710.** 49.854 (11) (b) of the statutes is amended to read:

5 49.854 (11) (b) *The department.* The department may assess a collection fee
6 to recover the department's costs incurred in levying against property under this
7 section. The department shall determine its costs to be paid in all cases of levy. The
8 obligor is liable to the department for the amount of the collection fee authorized
9 under this paragraph. Fees collected under this paragraph shall be credited to the
10 appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja).

11 **SECTION 1711.** 49.855 (1) of the statutes is amended to read:

12 49.855 (1) If a person obligated to pay child support, family support,
13 maintenance, or the receiving and disbursing fee under s. 767.57 (1e) (a) is
14 delinquent in making any of those payments, or owes an outstanding amount that
15 has been ordered by the court for past support, medical expenses, or birth expenses,
16 upon application under s. 59.53 (5) the department of ~~workforce development~~
17 children and families shall certify the delinquent payment or outstanding amount
18 to the department of revenue and, at least annually, shall provide to the department
19 of revenue any certifications of delinquencies or outstanding amounts that it receives
20 from another state because the obligor resides in this state.

21 **SECTION 1712.** 49.855 (2r) of the statutes is created to read:

22 49.855 (2r) At least annually, the department of children and families shall
23 certify to the department of revenue any obligation owed to that department under
24 s. 49.345 if the obligation is rendered to a judgment.

25 **SECTION 1713.** 49.855 (3) of the statutes is amended to read:

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1 49.855 (3) Receipt of a certification by the department of revenue shall
2 constitute a lien, equal to the amount certified, on any state tax refunds or credits
3 owed to the obligor. The lien shall be foreclosed by the department of revenue as a
4 setoff under s. 71.93 (3), (6), and (7). When the department of revenue determines
5 that the obligor is otherwise entitled to a state tax refund or credit, it shall notify the
6 obligor that the state intends to reduce any state tax refund or credit due the obligor
7 by the amount the obligor is delinquent under the support, maintenance, or receiving
8 and disbursing fee order or obligation, by the outstanding amount for past support,
9 medical expenses, or birth expenses under the court order, or by the amount due
10 under s. 46.10 (4), 49.345 (4), or 301.12 (4). The notice shall provide that within 20
11 days the obligor may request a hearing before the circuit court rendering the order
12 under which the obligation arose. Within 10 days after receiving a request for
13 hearing under this subsection, the court shall set the matter for hearing. Pending
14 further order by the court or a circuit court commissioner, the department of
15 ~~workforce development~~ children and families or its designee, whichever is
16 appropriate, is prohibited from disbursing the obligor's state tax refund or credit.
17 A circuit court commissioner may conduct the hearing. The sole issues at that
18 hearing shall be whether the obligor owes the amount certified and, if not and it is
19 a support or maintenance order, whether the money withheld from a tax refund or
20 credit shall be paid to the obligor or held for future support or maintenance, except
21 that the obligor's ability to pay shall also be an issue at the hearing if the obligation
22 relates to an order under s. ~~767.51 (3) (e) 1. or 767.62 (4) (d) 1. s. 767.89 (3) (e) 1. or~~
23 767.805 (4) (d) 1. or 767.89 (3) (e) 1. and the order specifies that the court found that
24 the obligor's income was at or below the poverty line established under 42 USC 9902
25 (2).

SENATE BILL 40**SECTION 1714**

1 **SECTION 1714.** 49.855 (4) (a) of the statutes is amended to read:

2 49.855 (4) (a) The department of revenue shall send the portion of any state tax
3 refunds or credits withheld for delinquent child or family support or maintenance or
4 past support, medical expenses, or birth expenses to the department of ~~workforce~~
5 ~~development~~ children and families or its designee for deposit in the support
6 collections trust fund under s. 25.68 and shall send the portion of any state tax
7 refunds or credits withheld for delinquent receiving and disbursing fees to the
8 department of ~~workforce development~~ children and families or its designee for
9 deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (ja). The
10 department of ~~workforce development~~ children and families shall make a settlement
11 at least annually with the department of revenue. The settlement shall state the
12 amounts certified, the amounts deducted from tax refunds and credits, and the
13 administrative costs incurred by the department of revenue.

14 **SECTION 1715.** 49.855 (4) (b) of the statutes is amended to read:

15 49.855 (4) (b) The department of administration shall send the portion of any
16 federal tax refunds or credits received from the internal revenue service that was
17 withheld for delinquent child or family support or maintenance or past support,
18 medical expenses, or birth expenses to the department of ~~workforce development~~
19 children and families or its designee for deposit in the support collections trust fund
20 under s. 25.68 and shall send the portion of any federal tax refunds or credits received
21 from the internal revenue service that was withheld for delinquent receiving and
22 disbursing fees to the department of ~~workforce development~~ children and families
23 or its designee for deposit in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2)
24 (ja).

25 **SECTION 1716.** 49.855 (4m) (b) of the statutes is amended to read:

SENATE BILL 40**SECTION 1716**

1 49.855 (4m) (b) The department of revenue may provide a certification that it
2 receives under sub. (1), (2m), ~~or (2p)~~, or (2r) to the department of administration.
3 Upon receipt of the certification, the department of administration shall determine
4 whether the obligor is a vendor or is receiving any other payments from this state,
5 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
6 45.40 (1), this chapter, or ch. 46, 108, or 301. If the department of administration
7 determines that the obligor is a vendor or is receiving payments from this state,
8 except for wages, retirement benefits, or assistance under s. 45.352, 1971 stats., s.
9 45.40 (1), this chapter, or ch. 46, 108, or 301, it shall begin to withhold the amount
10 certified from those payments and shall notify the obligor that the state intends to
11 reduce any payments due the obligor by the amount the obligor is delinquent under
12 the support, maintenance, or receiving and disbursing fee order or obligation, by the
13 outstanding amount for past support, medical expenses, or birth expenses under the
14 court order, or by the amount due under s. 46.10 (4), 49.345 (4), or 301.12 (4). The
15 notice shall provide that within 20 days after receipt of the notice the obligor may
16 request a hearing before the circuit court rendering the order under which the
17 obligation arose. An obligor may, within 20 days after receiving notice, request a
18 hearing under this paragraph. Within 10 days after receiving a request for hearing
19 under this paragraph, the court shall set the matter for hearing. A circuit court
20 commissioner may conduct the hearing. Pending further order by the court or circuit
21 court commissioner, the department of ~~workforce development~~ children and families
22 or its designee, whichever is appropriate, may not disburse the payments withheld
23 from the obligor. The sole issues at the hearing are whether the obligor owes the
24 amount certified and, if not and it is a support or maintenance order, whether the
25 money withheld shall be paid to the obligor or held for future support or

SENATE BILL 40**SECTION 1716**

1 maintenance, except that the obligor's ability to pay is also an issue at the hearing
2 if the obligation relates to an order under ~~s. 767.51 (3) (e) 1. or 767.62 (4) (d) 1. s.~~
3 ~~767.89 (3) (e) 1. or 767.805 (4) (d) 1. or 767.89 (3) (e) 1.~~ and the order specifies that
4 the court found that the obligor's income was at or below the poverty line established
5 under 42 USC 9902 (2).

6 **SECTION 1717.** 49.855 (4m) (c) of the statutes is amended to read:

7 49.855 (4m) (c) Except as provided by order of the court after hearing under
8 par. (b), the department of administration shall continue withholding until the
9 amount certified is recovered in full. The department of administration shall
10 transfer the amounts withheld under this paragraph to the department of ~~workforce~~
11 ~~development~~ children and families or its designee, the department of health and
12 family services, or the department of corrections, whichever is appropriate. The
13 department of ~~workforce development~~ children and families or its designee shall
14 deposit amounts withheld for delinquent child or family support, maintenance, or
15 receiving and disbursing fees or past support, medical expenses, or birth expenses
16 in the appropriation account under s. ~~20.445 (3)~~ 20.437 (2) (kp).

17 **SECTION 1718.** 49.855 (5) of the statutes is amended to read:

18 49.855 (5) Certification of an obligation to the department of revenue does not
19 deprive any party of the right to collect the obligation or to prosecute the obligor. The
20 department of ~~workforce development~~ children and families or its designee shall
21 immediately notify the department of revenue of any collection of an obligation that
22 has been certified to the department of revenue.

23 **SECTION 1719.** 49.856 (1) (b) of the statutes is amended to read:

24 49.856 (1) (b) "Department" means the department of ~~workforce development~~
25 children and families.

SENATE BILL 40**SECTION 1720**

1 **SECTION 1720.** 49.857 (1) (cf) of the statutes is created to read:

2 49.857 (1) (cf) “Department” means the department of children and families.

3 **SECTION 1721.** 49.857 (1) (f) of the statutes is amended to read:

4 49.857 (1) (f) “Subpoena or warrant” means a subpoena or warrant issued by
5 the department of ~~workforce development~~ or a child support agency and relating to
6 paternity or support proceedings.

7 **SECTION 1722.** 49.857 (2) (a) of the statutes is amended to read:

8 49.857 (2) (a) The department of ~~workforce development~~ shall establish a
9 system, in accordance with federal law, under which a licensing authority is
10 requested, and a licensing agency or credentialing board is required, to restrict,
11 limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or
12 revalidate a license in a timely manner upon certification by and in cooperation with
13 the department of ~~workforce development~~, if the individual holding or applying for
14 the license is delinquent in making court-ordered payments of support or fails to
15 comply, after appropriate notice, with a subpoena or warrant.

16 **SECTION 1723.** 49.857 (2) (b) (intro.) of the statutes is amended to read:

17 49.857 (2) (b) (intro.) Under the system, the department of ~~workforce~~
18 ~~development~~ shall enter into a memorandum of understanding with a licensing
19 authority, if the licensing authority agrees, and with a licensing agency. A
20 memorandum of understanding under this paragraph shall address at least all of the
21 following:

22 **SECTION 1724.** 49.857 (2) (b) 2. (intro.) of the statutes is amended to read:

23 49.857 (2) (b) 2. (intro.) Procedures that the department of ~~workforce~~
24 ~~development~~ shall use for doing all of the following:

25 **SECTION 1725.** 49.857 (2) (b) 2. a. of the statutes is amended to read:

SENATE BILL 40**SECTION 1725**

1 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a
2 delinquency in support or a failure to comply with a subpoena or warrant. The
3 memorandum of understanding with the department of regulation and licensing
4 shall include procedures for the department of regulation and licensing to notify a
5 credentialing board that a certification of delinquency in support or failure to comply
6 with a subpoena or warrant has been made by the department of ~~workforce~~
7 ~~development~~ children and families with respect to an individual who holds or applied
8 for a credential granted by the credentialing board.

9 **SECTION 1726.** 49.857 (2) (b) 3. c. of the statutes is amended to read:

10 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of
11 ~~workforce development~~ children and families notifies the licensing authority or
12 licensing agency that an individual who was delinquent in making court-ordered
13 payments of support has paid the delinquent support or made satisfactory
14 alternative payment arrangements or that an individual who failed to comply with
15 a subpoena or warrant has satisfied the requirements under the subpoena or
16 warrant. The memorandum of understanding with the department of regulation
17 and licensing shall include procedures for the department of regulation and licensing
18 to direct a credentialing board to grant or reinstate a credential if the department
19 of ~~workforce development~~ children and families notifies the department of
20 regulation and licensing that an individual who holds or applied for a credential
21 granted by the credentialing board has paid the delinquent support or made
22 satisfactory alternative payment arrangements or that an individual who failed to
23 comply with a subpoena or warrant has satisfied the requirements under the
24 subpoena or warrant.

25 **SECTION 1727.** 49.857 (2) (b) 5. of the statutes is amended to read:

SENATE BILL 40**SECTION 1727**

1 49.857 (2) (b) 5. Procedures for safeguarding the confidentiality of information
2 about an individual, including social security numbers obtained by the department
3 of ~~workforce development~~, the licensing authority, the licensing agency, or a
4 credentialing board.

5 **SECTION 1728.** 49.857 (3) (a) (intro.) of the statutes is amended to read:

6 49.857 (3) (a) (intro.) Before the department of ~~workforce development~~ certifies
7 to a licensing authority or a licensing agency under the system established under
8 sub. (2) that an individual is delinquent in making court-ordered payments of
9 support, the department of ~~workforce development~~ or a child support agency shall
10 provide notice to the individual by regular mail. The notice shall inform the
11 individual of all of the following:

12 **SECTION 1729.** 49.857 (3) (a) 4. of the statutes is amended to read:

13 49.857 (3) (a) 4. That the certification will not be made if the individual pays
14 the delinquent amount in full or makes satisfactory alternative payment
15 arrangements with the department of ~~workforce development~~ or a child support
16 agency. The notice shall inform the individual of how he or she may pay the
17 delinquent amount or make satisfactory alternative payment arrangements.

18 **SECTION 1730.** 49.857 (3) (ac) 1. of the statutes is amended to read:

19 49.857 (3) (ac) 1. If an individual timely requests a hearing under par. (a) 5.,
20 the court shall schedule a hearing within 10 business days after receiving the
21 request. A circuit court commissioner may conduct the hearing. The only issues at
22 the hearing shall be whether the individual is delinquent in making court-ordered
23 payments of support and whether any alternative payment arrangement offered by
24 the department of ~~workforce development~~ or the county child support agency is
25 reasonable.

SENATE BILL 40**SECTION 1731**

1 **SECTION 1731.** 49.857 (3) (ac) 2. of the statutes is amended to read:

2 49.857 **(3)** (ac) 2. If at a hearing under subd. 1. the court or circuit court
3 commissioner finds that the individual does not owe delinquent support, or if within
4 20 business days after receiving a notice under par. (a) the individual pays the
5 delinquent amount in full or makes satisfactory alternative payment arrangements,
6 the department of ~~workforce development~~ may not place the individual's name on a
7 certification list.

8 **SECTION 1732.** 49.857 (3) (ac) 3. of the statutes is amended to read:

9 49.857 **(3)** (ac) 3. If at a hearing under subd. 1. the court or circuit court
10 commissioner makes a written determination that alternative payment
11 arrangements proposed by the department of ~~workforce development~~ or a child
12 support agency are not reasonable, the court or circuit court commissioner may order
13 for the individual an alternative payment arrangement. If the court or circuit court
14 commissioner orders an alternative payment arrangement, the department of ~~of~~
15 ~~workforce development~~ may not place the individual's name on a certification list.

16 **SECTION 1733.** 49.857 (3) (am) (intro.) of the statutes is amended to read:

17 49.857 **(3)** (am) (intro.) If an individual, after receiving notice under par. (a),
18 does not timely request a hearing or pay the delinquent amount of support or make
19 satisfactory alternative payment arrangements, the department of ~~of~~ ~~workforce~~
20 ~~development~~ shall place the individual's name on a certification list. Thereafter, the
21 department of ~~of~~ ~~workforce development~~ or a child support agency shall provide a 2nd
22 notice to the individual by regular mail that informs the individual of all of the
23 following:

24 **SECTION 1734.** 49.857 (3) (am) 4. of the statutes is amended to read:

SENATE BILL 40**SECTION 1734**

1 49.857 (3) (am) 4. That the certification will not be made if the individual pays
2 the delinquent amount in full or makes satisfactory alternative payment
3 arrangements with the department of ~~workforce development~~ or a child support
4 agency. The notice shall inform the individual of how he or she may pay the
5 delinquent amount or make satisfactory alternative payment arrangements.

6 **SECTION 1735.** 49.857 (3) (ar) 1. of the statutes is amended to read:

7 49.857 (3) (ar) 1. If an individual timely requests a hearing under par. (am) 5.,
8 the court shall schedule a hearing within 10 business days after receiving the
9 request. A circuit court commissioner may conduct the hearing. The only issues at
10 the hearing shall be whether the individual is delinquent in making court-ordered
11 payments of support and whether any alternative payment arrangement offered by
12 the department of ~~workforce development~~ or the county child support agency is
13 reasonable.

14 **SECTION 1736.** 49.857 (3) (ar) 2. of the statutes is amended to read:

15 49.857 (3) (ar) 2. If at a hearing under subd. 1. the court or circuit court
16 commissioner finds that the individual does not owe delinquent support, or if within
17 20 business days after receiving a notice under par. (am) the individual pays the
18 delinquent amount in full or makes satisfactory alternative payment arrangements,
19 the department of ~~workforce development~~ shall remove the individual's name from
20 the certification list.

21 **SECTION 1737.** 49.857 (3) (ar) 3. of the statutes is amended to read:

22 49.857 (3) (ar) 3. If at a hearing under subd. 1. the court or circuit court
23 commissioner makes a written determination that alternative payment
24 arrangements proposed by the department of ~~workforce development~~ or a child
25 support agency are not reasonable, the court or circuit court commissioner may order

SENATE BILL 40**SECTION 1737**

1 for the individual an alternative payment arrangement. If the court or circuit court
2 commissioner orders an alternative payment arrangement, the department of
3 ~~workforce development~~ may not place the individual's name on a certification list.

4 **SECTION 1738.** 49.857 (3) (b) (intro.) of the statutes is amended to read:

5 49.857 (3) (b) (intro.) Any subpoena or warrant shall include notice to the
6 individual of the effect that a failure to comply with the subpoena or warrant may
7 have on any license that the individual holds or for which the individual applies. If
8 the individual fails to comply, before the department of ~~workforce development~~
9 certifies to a licensing authority or a licensing agency under the system established
10 under sub. (2) that an individual has failed to comply with a subpoena or warrant,
11 the department of ~~workforce development~~ or a child support agency shall provide
12 notice to the individual by regular mail. The notice shall inform the individual of all
13 of the following:

14 **SECTION 1739.** 49.857 (3) (bm) of the statutes is amended to read:

15 49.857 (3) (bm) If an individual, after receiving notice under par. (b), does not
16 satisfy the requirements under the subpoena or warrant, the department of
17 ~~workforce development~~ shall place the individual's name on a certification list.

18 **SECTION 1740.** 49.857 (3) (c) (intro.) of the statutes is amended to read:

19 49.857 (3) (c) (intro.) If the department of ~~workforce development~~ children and
20 families provides a certification list to a licensing authority, a licensing agency or,
21 with respect to a credential granted by a credentialing board, the department of
22 regulation and licensing, upon receipt of the list the licensing authority if the
23 licensing authority agrees, the licensing agency or, with respect to a credential
24 granted by a credentialing board, the department of regulation and licensing shall
25 do all of the following:

SENATE BILL 40**SECTION 1741**

1 **SECTION 1741.** 49.857 (3) (d) 1. of the statutes is amended to read:

2 49.857 **(3)** (d) 1. Subject to sub. (2) (d), if an individual who, on the basis of
3 delinquent support, is denied a license or whose license, on the basis of delinquent
4 support, is restricted, limited, suspended, or refused renewal or revalidation under
5 a memorandum of understanding entered into under sub. (2) (b) pays the delinquent
6 amount of support in full or makes satisfactory alternative payment arrangements,
7 the department of ~~workforce development~~ children and families shall immediately
8 notify the licensing authority or licensing agency to issue or reinstate the individual's
9 license as provided in the memorandum of understanding. If the individual held or
10 applied for a credential granted by a credentialing board, the department of
11 regulation and licensing shall, upon notice by the department of ~~workforce~~
12 ~~development~~ children and families, notify the credentialing board to grant or
13 reinstate the individual's credential.

14 **SECTION 1742.** 49.857 (3) (d) 2. of the statutes is amended to read:

15 49.857 **(3)** (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a
16 failure to comply with a subpoena or warrant, is denied a license or whose license,
17 on the basis of a failure to comply with a subpoena or warrant, is restricted, limited,
18 suspended, or refused renewal or revalidation under a memorandum of
19 understanding entered into under sub. (2) (b) satisfies the requirements under the
20 subpoena or warrant, the department of ~~workforce development~~ children and
21 families shall immediately notify the licensing authority or licensing agency to issue
22 or reinstate the individual's license as provided in the memorandum of
23 understanding. If the individual held or applied for a credential granted by a
24 credentialing board, the department of regulation and licensing shall, upon notice

SENATE BILL 40**SECTION 1742**

1 by the department of ~~workforce development~~ children and families, notify the
2 credentialing board to grant or reinstate the individual's credential.

3 **SECTION 1743.** 49.857 (4) of the statutes is amended to read:

4 49.857 (4) Each licensing agency shall enter into a memorandum of
5 understanding with the department of ~~workforce development~~ children and families
6 under sub. (2) (b) and shall cooperate with the department of ~~workforce development~~
7 children and families in its administration of s. 49.22. The department of regulation
8 and licensing shall enter into a memorandum of understanding with the department
9 of ~~workforce development~~ children and families on behalf of a credentialing board
10 with respect to a credential granted by the credentialing board.

11 **SECTION 1744.** 49.858 (1) of the statutes is renumbered 49.858 (1) (intro.) and
12 amended to read:

13 49.858 (1) (intro.) In this section, “~~support~~”:

14 (b) “Support” has the meaning given in s. 49.857 (1) (g).

15 **SECTION 1745.** 49.858 (1) (a) of the statutes is created to read:

16 49.858 (1) (a) “Department” means the department of children and families.

17 **SECTION 1746.** 49.858 (2) (intro.) of the statutes is amended to read:

18 49.858 (2) RULES. (intro.) For the procedures under this subchapter for the
19 administrative enforcement of support obligations, the department of ~~workforce~~
20 ~~development~~ shall promulgate rules related to all of the following:

21 **SECTION 1747.** 49.858 (3) of the statutes is amended to read:

22 49.858 (3) REVIEW OF CIRCUIT COURT COMMISSIONER DECISIONS. If a circuit court
23 commissioner conducts a hearing in any administrative support enforcement
24 proceeding under s. 49.852, 49.856 or 49.857, the department of ~~workforce~~
25 ~~development~~ or the obligor may, within 15 business days after the date that the

SENATE BILL 40**SECTION 1747**

1 circuit court commissioner makes his or her decision, request review of the decision
2 by the court with jurisdiction over the matter.

3 **SECTION 1748.** 49.86 of the statutes is renumbered 49.86 (2) and amended to
4 read:

5 49.86 (2) Withdrawal or disbursement of moneys deposited in a public
6 depository, as defined in s. 34.01 (5), to the credit of the department of ~~workforce~~
7 ~~development~~ or any of its divisions or agencies shall be by check, share draft, or other
8 draft signed by the secretary of ~~workforce development~~ or by one or more persons in
9 the department of ~~workforce development~~ designated by written authorization of the
10 secretary of ~~workforce development~~. Such checks, share drafts, and other drafts
11 shall be signed personally or by use of a mechanical device adopted by the secretary
12 of ~~workforce development~~ or his or her designees for affixing a facsimile signature.
13 Any public depository shall be fully warranted and protected in making payment on
14 any check, share draft, or other draft bearing such facsimile signature
15 notwithstanding that the facsimile may have been placed thereon without the
16 authority of the secretary of ~~workforce development~~ or his or her designees.

17 **SECTION 1749.** 49.86 (1) of the statutes is created to read:

18 49.86 (1) In this section:

19 (a) “Department” means the department of children and families.

20 (b) “Secretary” means the secretary of children and families.

21 **SECTION 1750.** 49.89 (2) of the statutes is amended to read:

22 49.89 (2) SUBROGATION. The department of health and family services, the
23 department of ~~workforce development~~ children and families, a county, or an elected
24 tribal governing body that provides any public assistance under this chapter or
25 under s. 253.05 as a result of the occurrence of an injury, sickness, or death that

SENATE BILL 40**SECTION 1750**

1 creates a claim or cause of action, whether in tort or contract, on the part of a public
2 assistance recipient or beneficiary or the estate of a recipient or beneficiary against
3 a 3rd party, including an insurer, is subrogated to the rights of the recipient,
4 beneficiary or estate and may make a claim or maintain an action or intervene in a
5 claim or action by the recipient, beneficiary, or estate against the 3rd party.
6 Subrogation under this subsection because of the provision of medical assistance
7 under subch. IV constitutes a lien, equal to the amount of the medical assistance
8 provided as a result of the injury, sickness, or death that gave rise to the claim. The
9 lien is on any payment resulting from a judgment or settlement that may be due the
10 obligor. A lien under this subsection continues until it is released and discharged by
11 the department of health and family services.

12 **SECTION 1751.** 49.89 (6) of the statutes is amended to read:

13 49.89 (6) DEPARTMENTS' DUTIES AND POWERS. The department of health and
14 family services and the department of ~~workforce development~~ children and families
15 shall enforce their rights under this section and may contract for the recovery of any
16 claim or right of indemnity arising under this section.

17 **SECTION 1752.** 49.89 (7) (b) of the statutes is amended to read:

18 49.89 (7) (b) The incentive payment shall be an amount equal to 15% of the
19 amount recovered because of benefits paid under s. 49.46, 49.465, 49.468 ~~or~~, 49.47,
20 or 49.471. The incentive payment shall be taken from the federal share of the sum
21 recovered as provided under 42 CFR 433.153 and 433.154.

22 **SECTION 1753.** 49.89 (7) (d) 2. of the statutes is amended to read:

23 49.89 (7) (d) 2. Any county or elected tribal governing body that has made a
24 recovery under this section for which it is eligible to receive an incentive payment
25 under par. (c) shall report such recovery to the department of ~~workforce development~~

SENATE BILL 40**SECTION 1753**

1 children and families within 30 days after the end of the month in which the recovery
2 is made in a manner specified by the department of ~~workforce development~~ children
3 and families.

4 **SECTION 1754.** 49.895 of the statutes is created to read:

5 **49.895 Insurance claim intercept. (1)** In this section:

6 (a) “Medical assistance liability” means an amount that the department of
7 health and family services may recover under s. 49.497, 49.847, or 49.89.

8 (b) “Support liability” means an amount that is entered in the statewide
9 support lien docket under s. 49.854.

10 **(2)** Before paying an insurance claim of \$500 or more to any individual, an
11 insurer that is authorized to do business in this state shall do all of the following:

12 (a) Verify with the department of health and family services, in the manner
13 required by the department, whether the individual to whom the claim is to be paid
14 has a medical assistance liability.

15 (b) Check the statewide support lien docket to determine whether the
16 individual to whom the claim is to be paid has a support liability.

17 **(3)** If an individual to whom a claim of \$500 or more is to be paid has a support
18 liability or a medical assistance liability, or both, the insurer shall distribute the
19 claim proceeds as follows:

20 (a) First, if there is a support liability, to the department of workforce
21 development to pay the support liability, up to the amount of the support liability or
22 the amount of the claim, whichever is less.

23 (b) Next, if there is a medical assistance liability, to the department of health
24 and family services to pay the medical assistance liability, up to the amount of the

SENATE BILL 40**SECTION 1754**

1 medical assistance liability or the amount of the claim proceeds remaining,
2 whichever is less.

3 (c) Last, to the individual, the remainder of the claim proceeds, if any.

4 **(4)** The department of health and family services shall promulgate rules for the
5 administration of this section, including procedures for insurers to follow and any
6 notice and hearing requirements. Notwithstanding s. 227.24 (3), the rules under this
7 subsection may be promulgated as emergency rules under s. 227.24 without a finding
8 of emergency.

9 **SECTION 1755.** 49.895 (3) (a) of the statutes, as created by 2007 Wisconsin Act
10 (this act), is amended to read:

11 49.895 **(3)** (a) First, if there is a support liability, to the department of workforce
12 development children and families to pay the support liability, up to the amount of
13 the support liability or the amount of the claim, whichever is less.

14 **SECTION 1756.** 49.90 (2) of the statutes is amended to read:

15 49.90 **(2)** Upon failure of these relatives to provide maintenance the authorities
16 or board shall submit to the corporation counsel a report of its findings. Upon receipt
17 of the report the corporation counsel shall, within 60 days, apply to the circuit court
18 for the county in which the dependent person under sub. (1) (a) 1. or the child of a
19 dependent person under sub. (1) (a) 2. resides for an order to compel the
20 maintenance. Upon such an application the corporation counsel shall make a
21 written report to the county department under s. 46.215, 46.22, or 46.23, with a copy
22 to the chairperson of the county board of supervisors in a county with a single-county
23 department or the county boards of supervisors in counties with a multicounty
24 department, and to the department of health and family services or the department
25 of workforce development children and families, whichever is appropriate.

SENATE BILL 40**SECTION 1757**

1 **SECTION 1757.** 49.90 (2g) of the statutes is amended to read:

2 49.90 **(2g)** In addition to the remedy specified in sub. (2), upon failure of a
3 grandparent to provide maintenance under sub. (1) (a) 2., another grandparent who
4 is or may be required to provide maintenance under sub. (1) (a) 2., a child of a
5 dependent minor or the child's parent may apply to the circuit court for the county
6 in which the child resides for an order to compel the provision of maintenance. A
7 county department under s. 46.215, 46.22, or 46.23, a county child support agency
8 under s. 59.53 (5), or the department of ~~workforce development~~ children and families
9 may initiate an action to obtain maintenance of the child by the child's grandparent
10 under sub. (1) (a) 2., regardless of whether the child receives public assistance.

11 **SECTION 1758.** 49.90 (4) of the statutes is amended to read:

12 49.90 **(4)** The circuit court shall in a summary way hear the allegations and
13 proofs of the parties and by order require maintenance from these relatives, if they
14 have sufficient ability, considering their own future maintenance and making
15 reasonable allowance for the protection of the property and investments from which
16 they derive their living and their care and protection in old age, in the following
17 order: First the husband or wife; then the father and the mother; and then the
18 grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify
19 a sum which will be sufficient for the support of the dependent person under sub. (1)
20 (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be
21 paid weekly or monthly, during a period fixed by the order or until the further order
22 of the court. If the court is satisfied that any such relative is unable wholly to
23 maintain the dependent person or the child, but is able to contribute to the person's
24 support or the child's maintenance, the court may direct 2 or more of the relatives
25 to maintain the person or the child and prescribe the proportion each shall

SENATE BILL 40**SECTION 1758**

1 contribute. If the court is satisfied that these relatives are unable together wholly
2 to maintain the dependent person or the child, but are able to contribute to the
3 person's support or the child's maintenance, the court shall direct a sum to be paid
4 weekly or monthly by each relative in proportion to ability. Contributions directed
5 by court order, if for less than full support, shall be paid to the department of health
6 and family services or the department of children and families, whichever is
7 appropriate, and distributed as required by state and federal law. An order under
8 this subsection that relates to maintenance required under sub. (1) (a) 2. shall
9 specifically assign responsibility for and direct the manner of payment of the child's
10 health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon
11 application of any party affected by the order and upon like notice and procedure, the
12 court may modify such an order. Obedience to such an order may be enforced by
13 proceedings for contempt.

14 **SECTION 1759.** 50.01 (1g) (b) of the statutes is amended to read:

15 50.01 **(1g)** (b) A facility or private home that provides care, treatment, and
16 services only for victims of domestic abuse, as defined in s. ~~46.95~~ 49.165 (1) (a), and
17 their children.

18 **SECTION 1760.** 50.02 (2) (d) of the statutes is renumbered 50.02 (2) (d) (intro.)
19 and amended to read:

20 50.02 **(2)** (d) (intro.) The department shall promulgate rules that prescribe ~~the~~
21 ~~time periods and the methods of providing information specified in ss. 50.033 (2r) and~~
22 ~~(2s), 50.034 (5m) and (5n), 50.035 (4m) and (4n) and 50.04 (2g) (a) and (2h) (a).~~ all of
23 the following:

24 **SECTION 1761.** 50.02 (2) (d) 1. of the statutes is created to read:

SENATE BILL 40**SECTION 1761**

1 50.02 (2) (d) 1. The method by which community-based residential facilities
2 shall make referrals to resource centers or county departments under s. 50.035 (4n)
3 and the method by which residential care apartment complexes shall make referrals
4 to resource centers under s. 50.034 (5n).

5 **SECTION 1762.** 50.02 (2) (d) 2. of the statutes is created to read:

6 50.02 (2) (d) 2. The time period for nursing homes to provide information to
7 prospective residents under s. 50.04 (2g) (a) and the time period and method by which
8 nursing homes shall make referrals to resource centers under s. 50.04 (2h) (a).

9 **SECTION 1763.** 50.02 (4) of the statutes is repealed.

10 **SECTION 1764.** 50.033 (2) of the statutes is amended to read:

11 50.033 (2) Standards for operation of licensed adult family homes and
12 procedures for application for licensure, monitoring, inspection, revocation and
13 appeal of revocation under this section shall be under rules promulgated by the
14 department under s. 50.02 (2) (am) 2. An adult family home licensure is valid until
15 revoked under this section. Licensure is not transferable. The biennial licensure fee
16 for a licensed adult family home is \$135, except that, after March 31, 2008, the
17 biennial fee for a licensed adult family home shall be the amount that the department
18 shall establish by rule. The fee is payable to the county department under s. 46.215,
19 46.22, 46.23, 51.42 or 51.437, if the county department licenses the adult family
20 home under sub. (1m) (b), and is payable to the department, on a schedule
21 determined by the department if the department licenses the adult family home
22 under sub. (1m) (b).

23 **SECTION 1765.** 50.033 (2r) of the statutes is repealed.

24 **SECTION 1766.** 50.033 (2s) of the statutes is repealed.

25 **SECTION 1767.** 50.033 (2t) of the statutes is repealed.

SENATE BILL 40**SECTION 1768**

1 **SECTION 1768.** 50.034 (3) (e) of the statutes is created to read:

2 50.034 **(3)** (e) Post in a conspicuous location in the residential care apartment
3 complex a notice, provided by the board on aging and long-term care, of the name,
4 address, and telephone number of the Long-Term Care Ombudsman Program under
5 s. 16.009 (2) (b).

6 **SECTION 1769.** 50.034 (5m) of the statutes is amended to read:

7 50.034 **(5m)** PROVISION OF INFORMATION REQUIRED. Subject to sub. (5p), when a
8 residential care apartment complex ~~shall, within the time period after inquiry by~~
9 first provides written material regarding the residential care apartment complex to
10 a prospective resident ~~that is prescribed by the department by rule, inform, the~~
11 residential care apartment complex shall also provide the prospective resident of
12 information specified by the department concerning the services of a resource center
13 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
14 functional screening and a financial screen and cost-sharing screening to determine
15 the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

16 **SECTION 1770.** 50.034 (5n) (intro.) of the statutes is amended to read:

17 50.034 **(5n)** REQUIRED REFERRAL. (intro.) Subject to sub. (5p), when a residential
18 care apartment complex ~~shall, within the time period prescribed by the department~~
19 ~~by rule, refer to a resource center under s. 46.283 a person who is seeking admission,~~
20 first provides written material regarding the residential care apartment complex to
21 a prospective resident who is at least 65 years of age or has developmental disability
22 or a physical disability and whose disability or condition is expected to last at least
23 90 days, the residential care apartment complex shall refer the prospective resident
24 to a resource center under s. 46.283, unless any of the following applies:

25 **SECTION 1771.** 50.034 (5n) (a) of the statutes is amended to read:

SENATE BILL 40**SECTION 1771**

1 50.034 (5n) (a) For a person ~~who has received a screen~~ for whom a screening
2 for functional eligibility under s. 46.286 (1) (a) has been performed within the
3 previous 6 months, the referral under this subsection need not include performance
4 of an additional functional screen screening under s. 46.283 (4) (g).

5 **SECTION 1772.** 50.034 (5n) (d) of the statutes is amended to read:

6 50.034 (5n) (d) For a person who seeks admission or is about to be admitted on
7 a private pay basis and who waives the requirement for a financial screen and
8 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
9 not include performance of a financial screen and cost-sharing screening under s.
10 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
11 within 6 months.

12 **SECTION 1773.** 50.035 (4m) of the statutes is amended to read:

13 50.035 (4m) PROVISION OF INFORMATION REQUIRED. Subject to sub. (4p), when a
14 community-based residential facility ~~shall, within the time period after inquiry by~~
15 first provides written material regarding the community-based residential facility
16 to a prospective resident ~~that is prescribed by the department by rule, inform, the~~
17 community-based residential facility shall also provide the prospective resident of
18 information specified by the department concerning the services of a resource center
19 under s. 46.283, the family care benefit under s. 46.286, and the availability of a
20 functional screening and a financial screen and cost-sharing screening to determine
21 the prospective resident's eligibility for the family care benefit under s. 46.286 (1).

22 **SECTION 1774.** 50.035 (4n) (intro.) of the statutes is amended to read:

23 50.035 (4n) REQUIRED REFERRAL. (intro.) ~~Subject to sub. (4p),~~ When a
24 community-based residential facility ~~shall, within the time period prescribed by the~~
25 ~~department by rule, refer to a resource center under s. 46.283~~ a person who is seeking

SENATE BILL 40**SECTION 1774**

1 ~~admission,~~ first provides written information regarding the community-based
2 residential facility to a prospective resident who is at least 65 years of age or has
3 developmental disability or a physical disability and whose disability or condition is
4 expected to last at least 90 days, the community-based residential facility shall refer
5 the individual to a resource center under s. 46.283 or, if the secretary has not certified
6 under s. 46.281 (3) that a resource center is available in the area of the
7 community-based residential facility to serve individuals in an eligibility group to
8 which the prospective resident belongs, to the county department that administers
9 a program under ss. 46.27 or 46.277, unless any of the following applies:

10 **SECTION 1775.** 50.035 (4n) (a) of the statutes is amended to read:

11 50.035 (4n) (a) For a person who ~~has received a screen~~ for whom a screening
12 for functional eligibility under s. 46.286 (1) (a) has been performed within the
13 previous 6 months, the referral under this subsection need not include performance
14 of an additional functional ~~screen~~ screening under s. 46.283 (4) (g).

15 **SECTION 1776.** 50.035 (4n) (d) of the statutes is amended to read:

16 50.035 (4n) (d) For a person who seeks admission or is about to be admitted on
17 a private pay basis and who waives the requirement for a financial ~~screen~~ and
18 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
19 not include performance of a financial ~~screen~~ and cost-sharing screening under s.
20 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
21 within 6 months.

22 **SECTION 1777.** 50.035 (4p) of the statutes is amended to read:

23 50.035 (4p) APPLICABILITY. ~~Subsections Subsection (4m) and (4n) apply~~ applies
24 only if the secretary has certified under s. 46.281 (3) that a resource center is
25 available for the community-based residential facility and for specified groups of

SENATE BILL 40**SECTION 1777**

1 eligible individuals that include those persons seeking admission to or the residents
2 of the community-based residential facility.

3 **SECTION 1778.** 50.035 (6) of the statutes is amended to read:

4 50.035 (6) POSTING OF NOTICE REQUIRED. The licensee of a community-based
5 residential facility that is licensed to serve a client group of persons with functional
6 impairments that commonly accompany advanced age, or his or her designee, shall
7 post in a conspicuous location in the community-based residential facility a notice,
8 provided by the board on aging and long-term care, of the name, address and
9 telephone number of the long-term care ombudsman program under s. 16.009 (2) (b).

10 **SECTION 1779.** 50.035 (7) of the statutes is repealed.

11 **SECTION 1780.** 50.035 (9) of the statutes is repealed.

12 **SECTION 1781.** 50.037 (2) (a) of the statutes is amended to read:

13 50.037 (2) (a) The biennial fee for a community-based residential facility is
14 \$306, plus a biennial fee of \$39.60 per resident, based on the number of residents that
15 the facility is licensed to serve, except that, after March 31, 2008, the biennial fee for
16 a community-based residential facility, including any fee for a resident, shall be the
17 amount that the department shall establish by rule.

18 **SECTION 1782.** 50.04 (2g) (a) of the statutes is amended to read:

19 50.04 (2g) (a) Subject to sub. (2i), a nursing home shall, within the time period
20 after inquiry by a prospective resident that is prescribed by the department by rule,
21 inform the prospective resident of the services of a resource center under s. 46.283,
22 the family care benefit under s. 46.286, and the availability of a functional screening
23 and a financial screen and cost-sharing screening to determine the prospective
24 resident's eligibility for the family care benefit under s. 46.286 (1).

25 **SECTION 1783.** 50.04 (2h) (a) 1. of the statutes is amended to read:

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1 50.04 (2h) (a) 1. For a person ~~who has received a screen~~ for whom a screening
2 for functional eligibility under s. 46.286 (1) (a) has been performed within the
3 previous 6 months, the referral under this paragraph need not include performance
4 of an additional functional screen screening under s. 46.283 (4) (g).

5 **SECTION 1784.** 50.04 (2h) (a) 4. of the statutes is amended to read:

6 50.04 (2h) (a) 4. For a person who seeks admission or is about to be admitted
7 on a private pay basis and who waives the requirement for a financial screen and
8 cost-sharing screening under s. 46.283 (4) (g), the referral under this subsection may
9 not include performance of a financial screen and cost-sharing screening under s.
10 46.283 (4) (g), unless the person is expected to become eligible for medical assistance
11 within 6 months.

12 **SECTION 1785.** 50.04 (4) (e) 1. of the statutes is amended to read:

13 50.04 (4) (e) 1. If a nursing home desires to contest any department action
14 under this subsection, it shall send a written request for a hearing under s. 227.44
15 to the division of hearings and appeals created under s. 15.103 (1) within ~~10~~ 60 days
16 of receipt of notice of the contested action. Department action that is subject to a
17 hearing under this subsection includes service of a notice of a violation of this
18 subchapter or rules promulgated under this subchapter, a notation in the report
19 under sub. (3) (b), imposition of a plan of correction and rejection of a nursing home's
20 plan of correction, but does not include a correction order. Upon the request of the
21 nursing home, the division shall grant a stay of the hearing under this paragraph
22 until the department assesses a forfeiture, so that its hearing under this paragraph
23 is consolidated with the forfeiture appeal hearing held under sub. (5) (e). All agency
24 action under this subsection arising out of a violation, deficiency or rejection and
25 imposition of a plan of correction shall be the subject of a single hearing. Unless a

SENATE BILL 40**SECTION 1785**

1 stay is granted under this paragraph, the division shall commence the hearing
2 within 30 days of the request for hearing, within 30 days of the department's
3 acceptance of a nursing home's plan of correction or within 30 days of the
4 department's imposition of a plan of correction, whichever is later. The division shall
5 send notice to the nursing home in conformance with s. 227.44. Issues litigated at
6 the hearing may not be relitigated at subsequent hearings under this paragraph
7 arising out of the same violation or deficiency.

8 **SECTION 1786.** 50.04 (5) (e) of the statutes is amended to read:

9 50.04 (5) (e) *Forfeiture appeal hearing.* A nursing home may contest an
10 assessment of forfeiture by sending, within ~~10~~ 60 days after receipt of notice of a
11 contested action, a written request for hearing under s. 227.44 to the division of
12 hearings and appeals created under s. 15.103 (1). The administrator of the division
13 may designate a hearing examiner to preside over the case and recommend a decision
14 to the administrator under s. 227.46. The decision of the administrator of the
15 division shall be the final administrative decision. The division shall commence the
16 hearing within 30 days of receipt of the request for hearing and shall issue a final
17 decision within 15 days after the close of the hearing. Proceedings before the division
18 are governed by ch. 227. In any petition for judicial review of a decision by the
19 division, the party, other than the petitioner, who was in the proceeding before the
20 division shall be the named respondent.

21 **SECTION 1787.** 50.04 (5) (fr) of the statutes is repealed.

22 **SECTION 1788.** 50.05 (1) (dg) of the statutes is created to read:

23 50.05 (1) (dg) "Medicare" means 42 USC 1395 to 1395hhh.

24 **SECTION 1789.** 50.05 (2) (g) of the statutes is created to read:

SENATE BILL 40**SECTION 1789**

1 50.05 (2) (g) The department or the facility determines that estimated
2 operating expenditures of the facility significantly exceed anticipated revenues for
3 the facility.

4 **SECTION 1790.** 50.05 (2) (h) of the statutes is created to read:

5 50.05 (2) (h) The facility or facility's operator has been charged with or
6 convicted of an offense specified under s. 49.49 or 940.295, or a Medicare violation
7 under 42 USC 1320a-7a, 1320a-7b, or 1320a-8.

8 **SECTION 1791.** 50.05 (3) of the statutes is amended to read:

9 50.05 (3) MONITOR. In any situation described in sub. (2), the department may
10 place a person to act as monitor in the facility. The monitor shall observe operation
11 of the facility, assist the facility by advising it on how to comply with state
12 regulations, and shall submit a written report periodically to the department on the
13 operation of the facility. The monitor may assist in the financial management of the
14 facility. The department may require payment by the operator or controlling person
15 of the facility for the costs of placement of a person to act as monitor in the facility.

16 **SECTION 1792.** 50.06 (7) of the statutes is amended to read:

17 50.06 (7) An individual who consents to an admission under this section may
18 request that an assessment be conducted for the incapacitated individual under the
19 long-term support community options program under s. 46.27 (6) or, if the secretary
20 has certified under s. 46.281 (3) that a resource center is available for the individual,
21 a functional screening and a financial screen and cost-sharing screening to
22 determine eligibility for the family care benefit under s. 46.286 (1). If admission is
23 sought on behalf of the incapacitated individual or if the incapacitated individual is
24 about to be admitted on a private pay basis, the individual who consents to the
25 admission may waive the requirement for a financial screen and cost-sharing

SENATE BILL 40**SECTION 1792**

1 screening under s. 46.283 (4) (g), unless the incapacitated individual is expected to
2 become eligible for medical assistance within 6 months.

3 **SECTION 1793.** 50.065 (5d) (a) 4. of the statutes is amended to read:

4 50.065 **(5d)** (a) 4. The manner in which the tribe will submit information
5 relating to a rehabilitation review to the department ~~so that the department may~~
6 ~~include that information in its report to the legislature required under sub. (5g).~~

7 **SECTION 1794.** 50.065 (5g) of the statutes is repealed.

8 **SECTION 1795.** 50.09 (title) of the statutes is amended to read:

9 **50.09 (title) Rights of residents in certain facilities and complexes.**

10 **SECTION 1796.** 50.09 (1) of the statutes is renumbered 50.09 (1m), and 50.09
11 (1m) (intro.), (b), (c), (e), (f) 1. and 3., (g), (j) (intro.) and 2. (intro.) and a. and (L), as
12 renumbered, are amended to read:

13 50.09 **(1m) RESIDENTS' RIGHTS.** (intro.) Every resident in a ~~nursing home or~~
14 ~~community-based residential facility~~ or a complex shall, except as provided in sub.
15 (5), have the right to:

16 (b) Present grievances on the resident's own behalf or others to the facility's
17 staff or administrator of the facility or complex, to public officials or to any other
18 person without justifiable fear of reprisal, and to join with other residents or
19 individuals within or outside of the facility or complex to work for improvements in
20 resident care.

21 (c) Manage the resident's own financial affairs, including any personal
22 allowances under federal or state programs, unless the resident delegates, in
23 writing, ~~such~~ this responsibility to the facility or complex and the facility or complex
24 accepts the responsibility, or unless the resident delegates to someone else of the
25 resident's choosing and that person accepts the responsibility. The resident shall

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1 receive, upon written request by the resident or guardian, a written monthly account
2 of any financial transactions made by the facility or complex under such a delegation
3 of responsibility.

4 (e) Be treated with courtesy, respect and full recognition of the resident's
5 dignity and individuality, by all employees of the facility or complex and licensed,
6 certified, or registered providers of health care and pharmacists with whom the
7 resident comes in contact.

8 (f) 1. 'Privacy for visits by spouse.' If both spouses are residents of the same
9 facility or complex, they shall be permitted to share a room or apartment unless
10 medically contraindicated as documented by the resident's physician or advanced
11 practice nurse prescriber in the resident's medical record.

12 3. Confidentiality of health and personal records, and the right to approve or
13 refuse their release to any individual outside the facility or complex, except in the
14 case of the resident's transfer to another facility or complex or as required by law or
15 3rd-party payment contracts and except as provided in s. 146.82 (2) and (3).

16 (g) Not to be required to perform services for the facility or complex that are not
17 included for therapeutic purposes in the resident's plan of care.

18 (j) (intro.) Be transferred or discharged, and be given reasonable advance notice
19 of any planned transfer or discharge, and an explanation of the need for and
20 alternatives to the transfer or discharge. The facility or complex to which the
21 resident is to be transferred must have accepted the resident for transfer, except in
22 a medical emergency or if the transfer or discharge is for nonpayment of charges
23 following a reasonable opportunity to pay a deficiency. No person may be
24 involuntarily discharged for nonpayment under this paragraph if the person meets
25 all of the following conditions:

SENATE BILL 40**SECTION 1796**

1 2. (intro.) The funding of his or her care in the ~~nursing home or~~
2 ~~community-based residential facility~~ under s. 49.45 (6m) is reduced or terminated
3 because of one of the following:

4 a. He or she requires a level or type of care which that is not provided by the
5 ~~nursing home or community-based residential facility~~.

6 (L) Receive adequate and appropriate care within the capacity of the facility
7 or complex.

8 **SECTION 1797.** 50.09 (1g) of the statutes is created to read:

9 50.09 (1g) In this section, “complex” means a residential care apartment
10 complex.

11 **SECTION 1798.** 50.09 (2), (4) and (5) of the statutes are amended to read:

12 50.09 (2) The department, in establishing standards for ~~nursing homes and~~
13 ~~community-based residential facilities~~ and complexes may establish, by rule, rights
14 in addition to those specified in sub. (1) (1m) for residents in such the facilities or
15 complexes.

16 (4) Each facility or complex shall make available a copy of the rights and
17 responsibilities established under this section and the facility’s rules of the facility
18 or complex to each resident and each resident’s legal representative, if any, at or prior
19 to the time of admission to the facility or complex, to each person who is a resident
20 of the facility or complex, and to each member of the facility’s staff of the facility or
21 complex. The rights, responsibilities, and rules shall be posted in a prominent place
22 in each facility or complex. Each facility or complex shall prepare a written plan and
23 provide appropriate staff training to implement each resident’s rights established
24 under this section.

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1 (5) Rights established under this section shall not, except as determined by the
2 department of corrections, be applicable to residents in such facilities or complexes,
3 if the resident is in the legal custody of the department of corrections and is a
4 correctional client in such a facility or complex.

5 **SECTION 1799.** 50.09 (6) (a), (b) and (d) of the statutes are amended to read:

6 50.09 (6) (a) Each facility or complex shall establish a system of reviewing
7 complaints and allegations of violations of residents' rights established under this
8 section. The facility or complex shall designate a specific individual who, for the
9 purposes of effectuating this section, shall report to the administrator.

10 (b) Allegations of violations of such rights by persons licensed, certified, or
11 registered under chs. 441, 446 to 450, 455, and 456 shall be promptly reported by the
12 facility or complex to the appropriate licensing, examining, or affiliated
13 credentialing board and to the person against whom the allegation has been made.
14 Any employee of the facility or complex and any person licensed, certified, or
15 registered under chs. 441, 446 to 450, 455, and 456 may also report such allegations
16 to the board. ~~Such~~ The board may make further investigation and take such
17 disciplinary action, within the board's statutory authority, as the case requires.

18 (d) The facility or complex shall attach a statement, which summarizes
19 complaints or allegations of violations of rights established under this section, to the
20 report required under s. 50.03 (4) (c) 1. or 2. The statement shall contain the date
21 of the complaint or allegation, the name of the persons involved, the disposition of
22 the matter, and the date of disposition. The department shall consider the statement
23 in reviewing the report.

24 **SECTION 1800.** 50.14 (2) (intro.) of the statutes is amended to read:

SENATE BILL 40**SECTION 1800**

1 50.14 (2) (intro.) For the privilege of doing business in this state, there is
2 imposed on all licensed beds of a facility an assessment ~~that may not exceed \$445 per~~
3 ~~calendar month per licensed bed of an intermediate care facility for the mentally~~
4 ~~retarded and an assessment that may not exceed \$75~~ in the following amount per
5 calendar month per licensed bed of ~~a nursing home.~~ the facility:

6 **(2g)** The assessment moneys collected under this section shall be deposited in
7 the general fund, except amounts in excess of \$13,800,000 shall be deposited in the
8 Medical Assistance trust fund. ~~In determining the number of licensed beds, all of the~~
9 ~~following apply:~~

10 **SECTION 1801.** 50.14 (2) (a) of the statutes is renumbered 50.14 (2r) and
11 amended to read:

12 50.14 (2r) ~~If the amount~~ For the purpose of determining the number of beds
13 subject to assessment under sub. (2), if a facility's number of the beds is other than
14 a whole number, the fractional part of ~~the amount~~ that number shall be disregarded
15 unless it equals 50% or more of a whole number, in which case the amount number
16 of beds shall be increased to the next whole number.

17 **SECTION 1802.** 50.14 (2) (am) of the statutes is created to read:

18 50.14 (2) (am) For nursing homes, an amount not to exceed \$127.

19 **SECTION 1803.** 50.14 (2) (b) of the statutes is repealed.

20 **SECTION 1804.** 50.14 (2) (bm) of the statutes is created to read:

21 50.14 (2) (bm) For intermediate care facilities for the mentally retarded, an
22 amount calculated by multiplying the projected annual gross revenues of all
23 intermediate care facilities for the mentally retarded in this state by 0.055, dividing
24 the product by the number of licensed beds of intermediate care facilities in this state
25 and dividing the quotient by 12.

SENATE BILL 40**SECTION 1805**

1 **SECTION 1805.** 50.14 (2m) of the statutes is created to read:

2 50.14 **(2m)** Prior to each state fiscal year, the department shall calculate the
3 amount of the assessment under sub. (2) (bm) that shall apply during the fiscal year.
4 The department may reduce the assessment amount during a state fiscal year to
5 avoid collecting for the fiscal year an amount in bed assessment receipts under sub.
6 (2) (bm) that exceeds 5.5 percent of the aggregate gross revenues for intermediate
7 care facilities for the mentally retarded for the fiscal year.

8 **SECTION 1806.** 50.36 (2) (c) of the statutes is repealed.

9 **SECTION 1807.** 50.375 of the statutes is created to read:

10 **50.375 Assessment. (1)** Beginning in 2007, for the privilege of doing business
11 in this state, there is imposed on each hospital an annual assessment, based on the
12 hospital's gross revenue that each hospital shall pay before December 1. The
13 assessments shall be deposited into the health care quality fund.

14 **(2)** The department shall verify the amount of each hospital's gross revenue
15 and determine the amount of each hospital's assessment, based on claims
16 information that shall be provided to the department under s. 153.46 (5).

17 **(3)** Although the department may consider the revenue received by a hospital
18 for services or items provided as benefits under subch. IV of chapter 49, the
19 department's determination under sub. (2) shall be based on a rate not to exceed 1
20 percent of the hospital's gross revenue, as adjusted by the department.

21 **(4)** Sections 77.59 (1) to (5), (6) (intro.), (a), and (c), and (7) to (10), 77.60 (1) to
22 (7), (9), and (10), 77.61 (9) and (12) to (14), and 77.62, as they apply to the taxes under
23 subch. III of ch. 77, apply to the assessment under this section, except that the
24 amount of any assessment collected under sub. (1) shall be deposited in the health
25 care quality fund.

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1 **(5)** The department shall levy, enforce, and collect the assessment under this
2 section and shall develop and distribute forms necessary for levying and collection.

3 **(6)** An affected hospital may contest an action by the department of health and
4 family services under this section by submitting a written request for a hearing to
5 the division of hearings and appeals in the department of administration within 30
6 days after the date of the department's action.

7 **(7)** Any order or determination made by the division of hearings and appeals
8 in the department of administration under a hearing as specified in sub. (6) is subject
9 to judicial review as prescribed under ch. 227.

10 **SECTION 1808.** 50.38 of the statutes is repealed.

11 **SECTION 1809.** 50.49 (6m) (am) of the statutes is created to read:

12 50.49 **(6m)** (am) An entity with which a care management organization, as
13 defined in s. 46.2805 (1), contracts for care management services under s. 46.284 (4)
14 (d), for purposes of providing the contracted services.

15 **SECTION 1810.** 50.498 (1m) of the statutes is amended to read:

16 50.498 **(1m)** If an individual who applies for a certificate of approval, license
17 or provisional license under sub. (1) does not have a social security number, the
18 individual, as a condition of obtaining the certificate of approval, license or
19 provisional license, shall submit a statement made or subscribed under oath or
20 affirmation to the department that the applicant does not have a social security
21 number. The form of the statement shall be prescribed by the department of
22 ~~workforce development~~ children and families. A certificate of approval, license or
23 provisional license issued in reliance upon a false statement submitted under this
24 subsection is invalid.

25 **SECTION 1811.** 51.032 (1m) of the statutes is amended to read:

SENATE BILL 40**SECTION 1811**

1 51.032 **(1m)** If an individual who applies for a certification or approval under
2 sub. (1) does not have a social security number, the individual, as a condition of
3 obtaining the certification or approval, shall submit a statement made or subscribed
4 under oath or affirmation to the department that the applicant does not have a social
5 security number. The form of the statement shall be prescribed by the department
6 of ~~workforce development~~ children and families. A certification or approval issued
7 in reliance upon a false statement submitted under this subsection is invalid.

8 **SECTION 1812.** 51.038 of the statutes is amended to read:

9 **51.038 Outpatient mental health clinic certification.** Except as provided
10 in s. 51.032, if a facility that provides mental health services on an outpatient basis
11 holds current accreditation from the council on accreditation of services for families
12 and children, the department may accept evidence of this accreditation as equivalent
13 to the standards established by the department, for the purpose of certifying the
14 facility for the receipt of funds for services provided as a benefit to a medical
15 assistance recipient under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k), a community aids
16 funding recipient under s. 51.423 (2) or as mandated coverage under s. 632.89.

17 **SECTION 1813.** 51.04 of the statutes is amended to read:

18 **51.04 Treatment facility certification.** Except as provided in s. 51.032, any
19 treatment facility may apply to the department for certification of the facility for the
20 receipt of funds for services provided as a benefit to a medical assistance recipient
21 under s. 49.46 (2) (b) 6. f. or 49.471 (11) (k) or to a community aids funding recipient
22 under s. 51.423 (2) or provided as mandated coverage under s. 632.89. The
23 department shall annually charge a fee for each certification.

24 **SECTION 1814.** 51.15 (9) of the statutes is amended to read:

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1 51.15 **(9)** NOTICE OF RIGHTS. At the time of detention the individual shall be
2 informed by the director of the facility or such person's designee, both orally and in
3 writing, of his or her right to contact an attorney and a member of his or her
4 immediate family, the right to have an attorney provided at public expense, as
5 provided under s. 967.06 and ch. 977, if the individual is a child or is indigent, 51.60,
6 and the right to remain silent and that the individual's statements may be used as
7 a basis for commitment. The individual shall also be provided with a copy of the
8 statement of emergency detention.

9 **SECTION 1815.** 51.20 (3) of the statutes is amended to read:

10 51.20 **(3)** LEGAL COUNSEL. At the time of the filing of the petition the court shall
11 assure that the subject individual is represented by adversary counsel. ~~If the~~
12 ~~individual claims or appears to be indigent, the court shall refer the person to the~~
13 ~~authority for indigency determinations specified under s. 977.07 (1). If the~~
14 ~~individual is a child, the court shall refer that child~~ by referring the individual to the
15 state public defender, who shall appoint counsel for the child individual without a
16 determination of indigency, as provided in s. ~~48.23 (4)~~ 51.60.

17 **SECTION 1816.** 51.20 (18) (c) of the statutes is amended to read:

18 51.20 **(18)** (c) Expenses of the proceedings from the presentation of the
19 statement of emergency detention or petition for commitment to the conclusion of the
20 proceeding shall be allowed by the court and paid by the county from which the
21 subject individual is detained, committed, or released, in the manner that the
22 expenses of a criminal prosecution are paid, as provided in s. 59.64 (1). ~~Payment of~~
23 ~~attorney fees for appointed attorneys in the case of children and indigents shall be~~
24 ~~in accordance with ch. 977.~~

25 **SECTION 1817.** 51.30 (4) (b) 27. of the statutes is amended to read:

SENATE BILL 40**SECTION 1817**

1 51.30 **(4)** (b) 27. For the purpose of entering information concerning the subject
2 individual into the statewide automated child welfare information system
3 established under s. ~~46.03~~ 48.47 (7g).

4 **SECTION 1818.** 51.35 (1) (e) 1. of the statutes is amended to read:

5 51.35 **(1)** (e) 1. Whenever any transfer between different treatment facilities
6 results in a greater restriction of personal freedom for the patient and whenever the
7 patient is transferred from outpatient to inpatient status, the department or the
8 county department specified under par. (a) shall inform the patient both orally and
9 in writing of his or her right to contact an attorney and a member of his or her
10 immediate family, the right to have counsel provided at public expense, as provided
11 under s. ~~967.06~~ and ch. ~~977~~, if the patient is a child or is indigent 51.60, and the right
12 to petition a court in the county in which the patient is located or the committing
13 court for a review of the transfer.

14 **SECTION 1819.** 51.35 (1) (e) 2. c. of the statutes is amended to read:

15 51.35 **(1)** (e) 2. c. The patient's right to have counsel provided at public expense,
16 as provided under s. ~~967.06~~ and ch. ~~977~~, if the patient is a child or is indigent 51.60.

17 **SECTION 1820.** 51.42 (3) (as) 1. of the statutes is amended to read:

18 51.42 **(3)** (as) 1. A county department of community programs shall authorize
19 all care of any patient in a state, local, or private facility under a contractual
20 agreement between the county department of community programs and the facility,
21 unless the county department of community programs governs the facility. The need
22 for inpatient care shall be determined by the program director or designee in
23 consultation with and upon the recommendation of a licensed physician trained in
24 psychiatry and employed by the county department of community programs or its
25 contract agency. In cases of emergency, a facility under contract with any county

SENATE BILL 40**SECTION 1820**

1 department of community programs shall charge the county department of
2 community programs having jurisdiction in the county where the patient is found.
3 The county department of community programs shall reimburse the facility for the
4 actual cost of all authorized care and services less applicable collections under s.
5 46.036, unless the department of health and family services determines that a
6 charge is administratively infeasible, or unless the department of health and family
7 services, after individual review, determines that the charge is not attributable to the
8 cost of basic care and services. Except as provided in subd. 1m., a county department
9 of community programs may not reimburse any state institution or receive credit for
10 collections for care received ~~therein~~ in a state institution by nonresidents of this
11 state, interstate compact clients, transfers under s. 51.35 (3), and transfers from
12 Wisconsin state prisons under s. 51.37 (5) (a), commitments under s. 975.01, 1977
13 stats., or s. 975.02, 1977 stats., or s. 971.14, 971.17 or 975.06 or admissions under s.
14 975.17, 1977 stats., or children placed in the guardianship of the department of
15 ~~health and family services~~ children and families under s. 48.427 or 48.43 or under
16 the supervision of the department of corrections under s. 938.183 or 938.355. The
17 exclusionary provisions of s. 46.03 (18) do not apply to direct and indirect costs ~~which~~
18 that are attributable to care and treatment of the client.

19 **SECTION 1821.** 51.42 (3) (e) of the statutes is amended to read:

20 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
21 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3)
22 (c) and 938.78 (2) (a), any subunit of a county department of community programs
23 or tribal agency acting under this section may exchange confidential information
24 about a client, without the informed consent of the client, with any other subunit of
25 the same county department of community programs or tribal agency, with a

SENATE BILL 40**SECTION 1821**

1 resource center, a care management organization, or a family long-term care
2 district, or with any person providing services to the client under a purchase of
3 services contract with the county department of community programs or tribal
4 agency or with a resource center, care management organization, or family
5 long-term care district, if necessary to enable an employee or service provider to
6 perform his or her duties, or to enable the county department of community
7 programs or tribal agency to coordinate the delivery of services to the client. Any
8 agency releasing information under this paragraph shall document that a request
9 was received and what information was provided.

10 **SECTION 1822.** 51.437 (4r) (b) of the statutes is amended to read:

11 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
12 51.30, 51.45 (14) (a), 55.22 (3), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), any
13 subunit of a county department of developmental disabilities services or tribal
14 agency acting under this section may exchange confidential information about a
15 client, without the informed consent of the client, with any other subunit of the same
16 county department of developmental disabilities services or tribal agency, with a
17 resource center, a care management organization, or a family long-term care
18 district, or with any person providing services to the client under a purchase of
19 services contract with the county department of developmental disabilities services
20 or tribal agency or with a resource center, a care management organization, or a
21 family long-term care district, if necessary to enable an employee or service provider
22 to perform his or her duties, or to enable the county department of developmental
23 disabilities services or tribal agency to coordinate the delivery of services to the
24 client. Any agency releasing information under this paragraph shall document that
25 a request was received and what information was provided.

SENATE BILL 40**SECTION 1823**

1 **SECTION 1823.** 51.437 (4rm) (a) of the statutes is amended to read:

2 51.437 (**4rm**) (a) A county department of developmental disabilities services
3 shall authorize all care of any patient in a state, local, or private facility under a
4 contractual agreement between the county department of developmental disabilities
5 services and the facility, unless the county department of developmental disabilities
6 services governs the facility. The need for inpatient care shall be determined by the
7 program director or designee in consultation with and upon the recommendation of
8 a licensed physician trained in psychiatry and employed by the county department
9 of developmental disabilities services or its contract agency prior to the admission
10 of a patient to the facility except in the case of emergency services. In cases of
11 emergency, a facility under contract with any county department of developmental
12 disabilities services shall charge the county department of developmental
13 disabilities services having jurisdiction in the county where the individual receiving
14 care is found. The county department of developmental disabilities services shall
15 reimburse the facility, except as provided under par. (c), for the actual cost of all
16 authorized care and services less applicable collections under s. 46.036, unless the
17 department of health and family services determines that a charge is
18 administratively infeasible, or unless the department of health and family services,
19 after individual review, determines that the charge is not attributable to the cost of
20 basic care and services. The exclusionary provisions of s. 46.03 (18) do not apply to
21 direct and indirect costs which are attributable to care and treatment of the client.
22 County departments of developmental disabilities services may not reimburse any
23 state institution or receive credit for collections for care received therein in a state
24 institution by nonresidents of this state, interstate compact clients, transfers under
25 s. 51.35 (3) (a), commitments under s. 975.01, 1977 stats., or s. 975.02, 1977 stats.,

SENATE BILL 40**SECTION 1823**

1 or s. 971.14, 971.17 or 975.06, admissions under s. 975.17, 1977 stats., children
2 placed in the guardianship of the department of health and family services children
3 and families under s. 48.427 or 48.43 or juveniles under the supervision of the
4 department of corrections under s. 938.183 or 938.355.

5 **SECTION 1824.** 51.437 (14) (i) of the statutes is created to read:

6 51.437 (14) (i) Ensure that the matching funds requirement for the state
7 developmental disabilities councils grant, as received from the federal department
8 of health and human services, is met by reporting to the federal department of health
9 and human services expenditures made for the provision of developmental
10 disabilities services under the basic county allocation distributed under s. 46.40 (2).

11 **SECTION 1825.** 51.44 (5) (c) of the statutes is repealed.

12 **SECTION 1826.** 51.45 (4) (p) of the statutes is repealed.

13 **SECTION 1827.** 51.45 (12) (b) (intro.), 1. and 3. of the statutes are consolidated,
14 renumbered 51.45 (12) (b) and amended to read:

15 51.45 (12) (b) The physician, spouse, guardian, or a relative of the person
16 sought to be committed, or any other responsible person, may petition a circuit court
17 commissioner or the circuit court of the county in which the person sought to be
18 committed resides or is present for commitment under this subsection. The petition
19 shall: ~~1. State state facts to support the need for emergency treatment;~~ ~~3. Be and~~
20 ~~be supported by one or more affidavits which that aver with particularity the factual~~
21 ~~basis for the allegations contained in the petition.~~

22 **SECTION 1828.** 51.45 (12) (b) 2. of the statutes is repealed.

23 **SECTION 1829.** 51.45 (12) (c) 2. of the statutes is amended to read:

24 51.45 (12) (c) 2. Assure that the person sought to be committed is represented
25 by counsel and, ~~if the person claims or appears to be indigent, refer the person to the~~

SENATE BILL 40**SECTION 1829**

1 authority for indigency determinations specified under s. 977.07 (1) or, if the person
2 is a child, refer that child by referring the person to the state public defender, who
3 shall appoint counsel for the ~~child~~ person without a determination of indigency, as
4 provided in s. ~~48.23 (4)~~ 51.60.

5 **SECTION 1830.** 51.45 (13) (b) 2. of the statutes is amended to read:

6 51.45 **(13)** (b) 2. Assure that the person is represented by counsel and, if the
7 person claims or appears to be indigent, refer the person to the authority for
8 indigency determinations specified under s. 977.07 (1) or, if the person is a child, refer
9 that child by referring the person to the state public defender, who shall appoint
10 counsel for the ~~child~~ person without a determination of indigency, as provided in s.
11 ~~48.23 (4)~~ 51.60. The person shall be represented by counsel at the preliminary
12 hearing under par. (d). The person may, with the approval of the court, waive his or
13 her right to representation by counsel at the full hearing under par. (f).

14 **SECTION 1831.** 51.45 (13) (d) of the statutes is amended to read:

15 51.45 **(13)** (d) Whenever it is desired to involuntarily commit a person, a
16 preliminary hearing shall be held under this paragraph. The purpose of the
17 preliminary hearing shall be to determine if there is probable cause for believing that
18 the allegations of the petition under par. (a) are true. The court shall assure that the
19 person shall be is represented by counsel at the preliminary hearing and, if the
20 person is a child or is indigent, by referring the person to the state public defender,
21 who shall appoint counsel shall timely be appointed at public expense, as provided
22 in s. 967.06 and ch. 977 for the person without a determination of indigency, as
23 provided in s. 51.60. Counsel shall have access to all reports and records, psychiatric
24 and otherwise, which have been made prior to the preliminary hearing. The person
25 shall be present at the preliminary hearing and shall be afforded a meaningful

SENATE BILL 40**SECTION 1831**

1 opportunity to be heard. Upon failure to make a finding of probable cause under this
2 paragraph, the court shall dismiss the petition and discharge the person from the
3 custody of the county department.

4 **SECTION 1832.** 51.45 (13) (j) of the statutes is amended to read:

5 51.45 (13) (j) Upon the filing of a petition for recommitment under par. (h), the
6 court shall fix a date for a recommitment hearing within 10 days, and assure that the
7 person sought to be recommitted is represented by counsel ~~and, if the person is~~
8 ~~indigent, appoint~~ by referring the person to the state public defender, who shall
9 appoint counsel for him or her, ~~unless waived for the person without a determination~~
10 of indigency, as provided in s. 51.60. The provisions of par. (e) relating to notice and
11 to access to records, names of witnesses, and summaries of their testimony shall
12 apply to recommitment hearings under this paragraph. At the recommitment
13 hearing, the court shall proceed as provided under pars. (f) and (g).

14 **SECTION 1833.** 51.45 (16) (c) of the statutes is repealed.

15 **SECTION 1834.** 51.60 of the statutes is created to read:

16 **51.60 Appointment of counsel. (1) ADULTS.** (a) In any situation under this
17 chapter in which an adult individual has a right to be represented by counsel, the
18 individual shall be referred as soon as practicable to the state public defender, who
19 shall appoint counsel for the individual under s. 977.08 without a determination of
20 indigency.

21 (b) Except as provided in s. 51.45 (13) (b) 2., par. (a) does not apply if the
22 individual knowingly and voluntarily waives counsel.

23 **(2) MINORS.** In any situation under this chapter in which a minor has a right
24 to be represented by counsel, counsel for the minor shall be appointed as provided
25 in s. 48.23 (4).

SENATE BILL 40**SECTION 1834**

1 **(3) RETAINED COUNSEL.** Notwithstanding subs. (1) and (2), an individual subject
2 to proceedings under this chapter is entitled to retain counsel of his or her own
3 choosing at his or her own expense.

4 **SECTION 1835.** 51.605 of the statutes is created to read:

5 **51.605 Reimbursement for counsel provided by the state. (1) INQUIRY.**
6 At or after the conclusion of a proceeding under this chapter in which the state public
7 defender has provided counsel for an adult individual, the court may inquire as to
8 the individual's ability to reimburse the state for all or part of the cost of
9 representation. If the court determines that the individual is able to make
10 reimbursement for all or part of the cost of representation, the court may order the
11 individual to reimburse the state an amount not to exceed the maximum amount
12 established by the public defender board under s. 977.075 (4). Upon the court's
13 request, the state public defender shall conduct a determination of indigency under
14 s. 977.07 and report the results of the determination to the court.

15 **(2) PAYMENT.** Reimbursement ordered under this section shall be made to the
16 clerk of courts of the county where the proceedings took place. The clerk of courts
17 shall transmit payments under this section to the county treasurer, who shall deposit
18 25 percent of the payment amount in the county treasury and transmit the
19 remainder to the secretary of administration. Payments transmitted to the
20 secretary of administration shall be deposited in the general fund and credited to the
21 appropriation account under s. 20.550 (1) (L).

22 **(3) REPORT.** By January 31st of each year, the clerk of courts for each county
23 shall report to the state public defender the total amount of reimbursements ordered
24 under sub. (1) in the previous calendar year and the total amount of reimbursements
25 paid to the clerk under sub. (2) in the previous year.

SENATE BILL 40**SECTION 1836**

1 **SECTION 1836.** 55.10 (4) (a) of the statutes is amended to read:

2 55.10 (4) (a) ~~Counsel; costs.~~ The individual sought to be protected has the right
3 to counsel whether or not the individual is present at the hearing on the petition.
4 The court shall require representation by full legal counsel whenever the petition
5 alleges that the individual is not competent to refuse psychotropic medication under
6 s. 55.14, the individual sought to be protected requested such representation at least
7 72 hours before the hearing, the guardian ad litem or any other person states that
8 the individual sought to be protected is opposed to the petition, or the court
9 determines that the interests of justice require it. If the individual sought to be
10 protected or any other person on his or her behalf requests but is unable to obtain
11 legal counsel, the court shall ~~appoint~~ refer the individual to the state public defender
12 as provided under s. 55.105 for appointment of legal counsel. ~~Counsel shall be~~
13 ~~provided at public expense, as provided under s. 967.06 and ch. 977, if the individual~~
14 ~~is indigent. If the individual sought to be protected is an adult who is indigent, and~~
15 ~~if counsel was not appointed under s. 977.08, the county in which the hearing is held~~
16 ~~is liable for any fees due the individual's legal counsel.~~ If the individual sought to
17 be protected is represented by counsel appointed under s. 977.08 in a proceeding for
18 the appointment of a guardian under s. ~~880.33~~ ch. 54, the court shall order the
19 counsel appointed under s. 977.08 to represent under this section the individual
20 sought to be protected.

21 **SECTION 1837.** 55.105 of the statutes is created to read:

22 **55.105 Appointment of counsel. (1)** In any situation under this chapter in
23 which an adult individual has a right to be represented by legal counsel, the
24 individual shall be referred as soon as practicable to the state public defender, who

SENATE BILL 40**SECTION 1837**

1 shall appoint counsel for the individual under s. 977.08 without a determination of
2 indigency.

3 (2) In any situation under this chapter in which a minor has a right to be
4 represented by legal counsel, legal counsel for the minor shall be appointed as
5 provided in s. 48.23 (4).

6 (3) Notwithstanding subs. (1) and (2), an individual subject to proceedings
7 under this chapter is entitled to retain counsel of his or her own choosing at his or
8 her own expense.

9 **SECTION 1838.** 55.107 of the statutes is created to read:

10 **55.107 Reimbursement of counsel provided by the state.** (1) At or after
11 the conclusion of a proceeding under this chapter in which the state public defender
12 has provided legal counsel for an adult individual, the court may inquire as to the
13 individual's ability to reimburse the state for all or part of the cost of representation.
14 If the court determines that the individual is able to make reimbursement for all or
15 part of the cost of representation, the court may order the individual to reimburse
16 the state an amount not to exceed the maximum amount established by the public
17 defender board under s. 977.075 (4). Upon the court's request, the state public
18 defender shall conduct a determination of indigency under s. 977.07 and report the
19 results of the determination to the court.

20 (2) Reimbursement ordered under this section shall be made to the clerk of
21 courts of the county where the proceedings took place. The clerk of courts shall
22 transmit payments under this section to the county treasurer, who shall deposit 25
23 percent of the payment amount in the county treasury and transmit the remainder
24 to the secretary of administration. Payments transmitted to the secretary of

SENATE BILL 40**SECTION 1838**

1 administration shall be deposited in the general fund and credited to the
2 appropriation account under s. 20.550 (1) (L).

3 **(3)** By January 31st of each year, the clerk of courts for each county shall report
4 to the state public defender the total amount of reimbursements ordered under sub.
5 (1) in the previous calendar year and the total amount of reimbursements paid to the
6 clerk under sub. (2) in the previous year.

7 **SECTION 1839.** 55.135 (1) of the statutes is amended to read:

8 55.135 **(1)** If, ~~upon a credible report to or~~, from personal observation of, or a
9 reliable report made by a person who identifies himself or herself to, a sheriff, police
10 officer, fire fighter, guardian, if any, or authorized representative of a county
11 department or an agency with which it contracts under s. 55.02 (2), it appears
12 probable that an individual is so totally incapable of providing for his or her own care
13 or custody as to create a substantial risk of serious physical harm to himself or herself
14 or others as a result of developmental disabilities, degenerative brain disorder,
15 serious and persistent mental illness, or other like incapacities if not immediately
16 placed, the individual ~~under this paragraph who received the credible report or who~~
17 personally made the observation or to whom the report is made may take into custody
18 and transport the individual to an appropriate medical or protective placement
19 facility. The person making emergency protective placement shall prepare a
20 statement at the time of detention providing specific factual information concerning
21 the person's observations or reports made to the person and the basis for emergency
22 placement. The statement shall be filed with the director of the facility and with any
23 petition under s. 55.075. At the time of emergency protective placement the
24 individual shall be informed by the director of the facility or the director's designee,
25 orally and in writing, of his or her right to contact an attorney and a member of his

SENATE BILL 40**SECTION 1839**

1 or her immediate family and the right to have an attorney provided at public
2 expense, as provided under ~~s. 967.06 and ch. 977~~, if the individual is a minor or is
3 ~~indigent~~ s. 55.105. The director or designee shall also provide the individual with
4 a copy of the statement by the person making emergency protective placement.

5 **SECTION 1840.** 55.14 (7) of the statutes is amended to read:

6 55.14 (7) Upon the filing of a petition under this section, the court shall ~~appoint~~
7 make a referral for appointment of legal counsel as provided under s. 55.105. A
8 petition under this section shall be heard ~~under s. 55.10 (4) (a) s. 55.06~~ within 30 days
9 after it is filed.

10 **SECTION 1841.** 55.15 (7) (cm) of the statutes is amended to read:

11 55.15 (7) (cm) The court shall ~~appoint counsel for~~ refer the individual under
12 protective placement for appointment of legal counsel as provided under s. 55.105 if
13 the individual, the individual's guardian ad litem, or anyone on the individual's
14 behalf requests that counsel be appointed for the individual.

15 **SECTION 1842.** 55.18 (3) (c) (intro.) of the statutes is amended to read:

16 55.18 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual
17 and, if the individual appears to be indigent, ~~refer him or her to the authority for~~
18 indigency determinations under s. 977.07 (1) for appointment of legal counsel under
19 s. 55.105 if any of the following apply:

20 **SECTION 1843.** 55.19 (3) (c) (intro.) of the statutes is amended to read:

21 55.19 (3) (c) (intro.) The court shall ~~order legal counsel for~~ refer an individual
22 and, if the individual appears to be indigent, ~~refer him or her to the authority for~~
23 indigency determinations under s. 977.07 (1) for appointment of legal counsel under
24 s. 55.105 if any of the following apply:

25 **SECTION 1844.** 59.22 (2) (c) 2. of the statutes is amended to read:

SENATE BILL 40**SECTION 1844**

1 59.22 (2) (c) 2. No action of the board may be contrary to or in derogation of the
2 rules of the department of ~~workforce development~~ children and families under s.
3 49.78 (4) to (7) relating to employees administering old-age assistance, aid to
4 families with dependent children, aid to the blind, or aid to totally and permanently
5 disabled persons or ss. 63.01 to 63.17.

6 **SECTION 1845.** 59.40 (2) (p) of the statutes is amended to read:

7 59.40 (2) (p) Cooperate with the department of ~~workforce development~~ children
8 and families with respect to the child and spousal support and establishment of
9 paternity and medical support liability program under ss. 49.22 and 59.53 (5), and
10 provide that department with any information from court records which it requires
11 to administer that program.

12 **SECTION 1846.** 59.52 (4) (a) 18. of the statutes is amended to read:

13 59.52 (4) (a) 18. Case records and other record material of all public assistance
14 that are kept as required under ch. 49, if no payments have been made for at least
15 3 years and if a face sheet or similar record of each case and a financial record of all
16 payments for each aid account are preserved in accordance with rules adopted by the
17 department of health and family services or by the department of ~~workforce~~
18 ~~development~~ children and families. If the department of health and family services
19 or the department of ~~workforce development~~ children and families has preserved
20 such case records and other record material on computer disc or tape or similar
21 device, a county may destroy the original records and record material under rules
22 adopted by the department that has preserved those case records or other record
23 material.

24 **SECTION 1847.** 59.53 (3) of the statutes is amended to read:

SENATE BILL 40**SECTION 1847**

1 59.53 (3) COMMUNITY ACTION AGENCIES. The board may appropriate funds for
2 promoting and assisting any community action agency under s. ~~46.30~~ 49.265.

3 **SECTION 1848.** 59.53 (5) (a) of the statutes is amended to read:

4 59.53 (5) (a) The board shall contract with the department of ~~workforce~~
5 ~~development~~ children and families to implement and administer the child and
6 spousal support and establishment of paternity and the medical support liability
7 programs provided for by Title IV of the federal social security act. The board may
8 designate by board resolution any office, officer, board, department, or agency, except
9 the clerk of circuit court, as the county child support agency. The board or county
10 child support agency shall implement and administer the programs in accordance
11 with the contract with the department of ~~workforce development~~ children and
12 families. The attorneys responsible for support enforcement under sub. (6) (a),
13 circuit court commissioners, and all other county officials shall cooperate with the
14 county and the department of ~~workforce development~~ children and families as
15 necessary to provide the services required under the programs. The county shall
16 charge the fee established by the department of ~~workforce development~~ children and
17 families under s. 49.22 for services provided under this paragraph to persons not
18 receiving benefits under s. 49.148 or 49.155 or assistance under s. ~~46.261~~ 48.645,
19 ~~49.19~~, or 49.47.

20 **SECTION 1849.** 59.53 (5) (a) of the statutes, as affected by 2007 Wisconsin Act
21 (this act), is amended to read:

22 59.53 (5) (a) The board shall contract with the department of children and
23 families to implement and administer the child and spousal support and
24 establishment of paternity and the medical support liability programs provided for
25 by Title IV of the federal social security act. The board may designate by board

SENATE BILL 40**SECTION 1849**

1 resolution any office, officer, board, department or agency, except the clerk of circuit
2 court, as the county child support agency. The board or county child support agency
3 shall implement and administer the programs in accordance with the contract with
4 the department of children and families. The attorneys responsible for support
5 enforcement under sub. (6) (a), circuit court commissioners and all other county
6 officials shall cooperate with the county and the department of children and families
7 as necessary to provide the services required under the programs. The county shall
8 charge the fee established by the department of children and families under s. 49.22
9 for services provided under this paragraph to persons not receiving benefits under
10 s. 49.148 or 49.155 or assistance under s. 48.645, 49.19, ~~or 49.46, 49.465, 49.47,~~
11 49.471, or 49.472.

12 **SECTION 1850.** 59.53 (5) (b) of the statutes is amended to read:

13 59.53 (5) (b) The county child support agency under par. (a) shall electronically
14 enter into the statewide data system related to child and spousal support payments
15 that is operated by the department of ~~workforce development~~ children and families
16 the terms of any order made or judgment granted in the circuit court of the county
17 requiring payments under s. 948.22 (7) or ch. 767 or 769 that are directed under s.
18 767.57 (1) to be paid to the department of ~~workforce development~~ children and
19 families or its designee. The county child support agency shall enter the terms of any
20 such order or judgment within the time required by federal law and shall enter
21 revisions ordered by the court to any order or judgment the terms of which are
22 maintained on the data system.

23 **SECTION 1851.** 59.605 (1) (a) of the statutes is amended to read:

24 59.605 (1) (a) “Debt levy” means the county purpose levy for debt service on
25 loans under subch. II of ch. 24, bonds issued under s. 67.05 ~~and~~, promissory notes

SENATE BILL 40**SECTION 1851**

1 issued under s. 67.12 (12), and appropriation bonds issued under s. 59.85, less any
2 revenues that abate the levy.

3 **SECTION 1852.** 59.69 (15) (intro.) of the statutes is amended to read:

4 **59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS.** (intro.) For purposes
5 of this section, the location of a community living arrangement for adults, as defined
6 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
7 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
8 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any municipality,
9 shall be subject to the following criteria:

10 **SECTION 1853.** 59.69 (15) (c) of the statutes is amended to read:

11 **59.69 (15) (c)** ~~Where~~ If the community living arrangement has capacity for 8
12 or fewer persons being served by the program, meets the criteria listed in pars. (a)
13 and (b), and is licensed, operated, or permitted under the authority of the department
14 of health and family services or the department of children and families, that facility
15 is entitled to locate in any residential zone, without being required to obtain special
16 zoning permission except as provided in par. (i).

17 **SECTION 1854.** 59.69 (15) (d) of the statutes is amended to read:

18 **59.69 (15) (d)** ~~Where~~ If the community living arrangement has capacity for 9
19 to 15 persons being served by the program, meets the criteria listed in pars. (a) and
20 (b), and is licensed, or operated, or permitted under the authority of the department
21 of health and family services or the department of children and families, the facility
22 is entitled to locate in any residential area except areas zoned exclusively for
23 single-family or 2-family residences, except as provided in par. (i), but is entitled to
24 apply for special zoning permission to locate in those areas. The municipality may

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1 grant special zoning permission at its discretion and shall make a procedure
2 available to enable such facilities to request such permission.

3 **SECTION 1855.** 59.69 (15) (e) of the statutes is amended to read:

4 59.69 (15) (e) ~~Where~~ If the community living arrangement has capacity for
5 serving 16 or more persons, meets the criteria listed in pars. (a) and (b), and is
6 licensed, operated, or permitted under the authority of the department of health and
7 family services or the department of children and families, that facility is entitled to
8 apply for special zoning permission to locate in areas zoned for residential use. The
9 municipality may grant special zoning permission at its discretion and shall make
10 a procedure available to enable such facilities to request such permission.

11 **SECTION 1856.** 59.69 (15) (f) of the statutes is amended to read:

12 59.69 (15) (f) The department of health and family services shall designate a
13 single subunit within the that department to maintain appropriate records
14 indicating the location and the capacity of each community living arrangement for
15 adults, and the information shall be available to the public. The department of
16 children and families shall designate a single subunit within that department to
17 maintain appropriate records indicating the location and the capacity of each
18 community living arrangement for children, and the information shall be available
19 to the public.

20 **SECTION 1857.** 59.69 (15) (h) of the statutes is amended to read:

21 59.69 (15) (h) The attorney general shall take action, upon the request of the
22 department of health and family services or the department of children and families,
23 to enforce compliance with this subsection.

24 **SECTION 1858.** 59.85 of the statutes is created to read:

SENATE BILL 40**SECTION 1858**

1 **59.85 Appropriation bonds for payment of employee retirement**
2 **system liability in populous counties. (1) DEFINITIONS.** In this section:

3 (a) “Appropriation bond” means a bond issued by a county to evidence its
4 obligation to repay a certain amount of borrowed money that is payable from all of
5 the following:

6 1. Moneys annually appropriated by law for debt service due with respect to
7 such appropriation bond in that year.

8 2. Proceeds of the sale of such appropriation bonds.

9 3. Payments received for that purpose under agreements and ancillary
10 arrangements described in s. 59.86.

11 4. Investment earnings on amounts in subds. 1. to 3.

12 (b) “Board” means the county board of supervisors in any county.

13 (c) “Bond” means any bond, note, or other obligation of a county issued under
14 this section.

15 (d) “County” means any county having a population of 500,000 or more.

16 (e) “Refunding bond” means an appropriation bond issued to fund or refund all
17 or any part of one or more outstanding appropriation bonds.

18 **(1m) LEGISLATIVE FINDING AND DETERMINATION.** Recognizing that a county, by
19 prepaying part or all of the county’s unfunded prior service liability with respect to
20 an employee retirement system of the county, may reduce its costs and better ensure
21 the timely and full payment of retirement benefits to participants and their
22 beneficiaries under the employee retirement system, the legislature finds and
23 determines that it is in the public interest for the county to issue appropriation bonds
24 to obtain proceeds to pay its unfunded prior service liability.

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1 **(2) AUTHORIZATION OF APPROPRIATION BONDS.** (a) A board shall have all powers
2 necessary and convenient to carry out its duties, and to exercise its authority, under
3 this section.

4 (b) Subject to pars. (c) and (d), a county may issue appropriation bonds under
5 this section to pay all or any part of the county's unfunded prior service liability with
6 respect to an employee retirement system of the county, or to fund or refund
7 outstanding appropriation bonds issued under this section. A county may use
8 proceeds of appropriation bonds to pay issuance or administrative expenses, to make
9 deposits to reserve funds, to pay accrued or funded interest, to pay the costs of credit
10 enhancement, to make payments under other agreements entered into under s.
11 59.86, or to make deposits to stabilization funds established under s. 59.87.

12 (c) Other than refunding bonds issued under sub. (6), all bonds must be issued
13 simultaneously.

14 (d) 1. Before a county may issue appropriation bonds under par. (b), its board
15 shall enact an ordinance that establishes a 5-year strategic and financial plan
16 related to the payment of all or any part of the county's unfunded prior service
17 liability with respect to an employee retirement system of the county. The strategic
18 and financial plan shall provide that future annual pension liabilities are funded on
19 a current basis. The strategic and financial plan shall contain quantifiable
20 benchmarks to measure compliance with the plan. The board shall make a
21 determination that the ordinance meets the requirements of this subdivision and,
22 absent manifest error, the board's determination shall be conclusive. The board shall
23 submit to the governor and to the chief clerk of each house of the legislature, for
24 distribution to the legislature under s. 13.172 (2), a copy of the strategic and financial
25 plan.

SENATE BILL 40**SECTION 1858**

1 2. Annually, the county shall submit to the governor and to the chief clerk of
2 each house of the legislature, for distribution to the legislature under s. 13.172 (2),
3 a report that includes all of the following:

4 a. The county's progress in meeting the benchmarks in the strategic and
5 financial plan.

6 b. Any proposed modifications to the plan.

7 c. The status of any stabilization fund that is established under s. 59.87 (3).

8 d. The most current actuarial report related to the county's employee
9 retirement system.

10 **(3) TERMS.** (a) A county may borrow moneys and issue appropriation bonds in
11 evidence of the borrowing pursuant to one or more written authorizing resolutions
12 under sub. (4). Unless otherwise provided in an authorizing resolution, the county
13 may issue appropriation bonds at any time, in any specific amounts, at any rates of
14 interest, for any term, payable at any intervals, at any place, in any manner, and
15 having any other terms or conditions that the board considers necessary or desirable.
16 Appropriation bonds may bear interest at variable or fixed rates, bear no interest,
17 or bear interest payable only at maturity or upon redemption prior to maturity.

18 (b) The board may authorize appropriation bonds having any provisions for
19 prepayment the board considers necessary or desirable, including the payment of
20 any premium.

21 (c) Interest shall cease to accrue on an appropriation bond on the date that the
22 appropriation bond becomes due for payment if payment is made or duly provided
23 for.

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1 (d) All moneys borrowed by a county that is evidenced by appropriation bonds
2 issued under this section shall be lawful money of the United States, and all
3 appropriation bonds shall be payable in such money.

4 (e) All appropriation bonds owned or held by a fund of the county are
5 outstanding in all respects and the board or other governing body controlling the
6 fund shall have the same rights with respect to an appropriation bond as a private
7 party, but if any sinking fund acquires appropriation bonds that gave rise to such
8 fund, the appropriation bonds are considered paid for all purposes and no longer
9 outstanding and shall be canceled as provided in sub. (7) (d).

10 (f) A county shall not be generally liable on appropriation bonds, and
11 appropriation bonds shall not be a debt of the county for any purpose whatsoever.
12 Appropriation bonds, including the principal thereof and interest thereon, shall be
13 payable only from amounts that the board may, from year to year, appropriate for the
14 payment thereof.

15 **(4) PROCEDURES.** (a) No appropriation bonds may be issued by a county unless
16 the issuance is pursuant to a written authorizing resolution adopted by a majority
17 of a quorum of the board. The resolution may be in the form of a resolution or trust
18 indenture, and shall set forth the aggregate principal amount of appropriation bonds
19 authorized thereby, the manner of their sale, and the form and terms thereof. The
20 resolution or trust indenture may establish such funds and accounts, including a
21 reserve fund, as the board determines.

22 (b) Appropriation bonds may be sold at either public or private sale and may
23 be sold at any price or percentage of par value. All appropriation bonds sold at public
24 sale shall be noticed as provided in the authorizing resolution. Any bid received at
25 public sale may be rejected.

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1 **(5) FORM.** (a) As determined by the board, appropriation bonds may be issued
2 in book-entry form or in certificated form. Notwithstanding s. 403.104 (1), every
3 evidence of appropriation bond is a negotiable instrument.

4 (b) Every appropriation bond shall be executed in the name of and for the
5 county by the chairperson of the board and county clerk, and shall be sealed with the
6 seal of the county, if any. Facsimile signatures of either officer may be imprinted in
7 lieu of manual signatures, but the signature of at least one such officer shall be
8 manual. An appropriation bond bearing the manual or facsimile signature of a
9 person in office at the same time the signature was signed or imprinted shall be fully
10 valid notwithstanding that before or after the delivery of such appropriation bond
11 the person ceased to hold such office.

12 (c) Every appropriation bond shall be dated not later than the date it is issued,
13 shall contain a reference by date to the appropriate authorizing resolution, shall
14 state the limitation established in sub. (3) (f), and shall be in accordance with the
15 appropriate authorizing resolution in all respects.

16 (d) An appropriation bond shall be substantially in such form and contain such
17 statements or terms as determined by the board, and may not conflict with law or
18 with the appropriate authorizing resolution.

19 **(6) REFUNDING BONDS.** (a) 1. A board may authorize the issuance of refunding
20 appropriation bonds. Refunding appropriation bonds may be issued, subject to any
21 contract rights vested in owners of the appropriation bonds being refunded, to refund
22 all or any part of one or more issues of appropriation bonds notwithstanding that the
23 appropriation bonds may have been issued at different times or issues of general
24 obligation promissory notes under s. 67.12 (12) were issued to pay unfunded prior
25 service liability with respect to an employee retirement system. The principal

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1 amount of the refunding appropriation bonds may not exceed the sum of: the
2 principal amount of the appropriation bonds or general obligation promissory notes
3 being refunded; applicable redemption premiums; unpaid interest on the refunded
4 appropriation bonds or general obligation promissory notes to the date of delivery or
5 exchange of the refunding appropriation bonds; in the event the proceeds are to be
6 deposited in trust as provided in par. (c), interest to accrue on the appropriation
7 bonds or general obligation promissory notes to be refunded from the date of delivery
8 to the date of maturity or to the redemption date selected by the board, whichever
9 is earlier; and the expenses incurred in the issuance of the refunding appropriation
10 bonds and the payment of the refunded appropriation bonds or general obligation
11 promissory notes.

12 2. A board may authorize the issuance of general obligation promissory notes
13 under s. 67.12 (12) (a) to refund appropriation bonds, notwithstanding s. 67.01 (9)
14 (intro.).

15 (b) If a board determines to exchange refunding appropriation bonds, they may
16 be exchanged privately for, and in payment and discharge of, any of the outstanding
17 appropriation bonds being refunded. Refunding appropriation bonds may be
18 exchanged for such principal amount of the appropriation bonds being exchanged
19 therefor as may be determined by the board to be necessary or desirable. The owners
20 of the appropriation bonds being refunded who elect to exchange need not pay
21 accrued interest on the refunding appropriation bonds if and to the extent that
22 interest is accrued and unpaid on the appropriation bonds being refunded and to be
23 surrendered. If any of the appropriation bonds to be refunded are to be called for
24 redemption, the board shall determine which redemption dates are to be used, if
25 more than one date is applicable and shall, prior to the issuance of the refunding

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1 appropriation bonds, provide for notice of redemption to be given in the manner and
2 at the times required by the resolution authorizing the appropriation bonds to be
3 refunded.

4 (c) 1. The principal proceeds from the sale of any refunding appropriation bonds
5 shall be applied either to the immediate payment and retirement of the
6 appropriation bonds or general obligation promissory notes being refunded or, if the
7 bonds or general obligation promissory notes have not matured and are not presently
8 redeemable, to the creation of a trust for, and shall be pledged to the payment of, the
9 appropriation bonds or general obligation promissory notes being refunded.

10 2. If a trust is created, a separate deposit shall be made for each issue of
11 appropriation bonds or general obligation promissory notes being refunded. Each
12 deposit shall be with a bank or trust company authorized by the laws of the United
13 States or of a state in which it is located to conduct banking or trust company
14 business. If the total amount of any deposit, including moneys other than sale
15 proceeds but legally available for such purpose, is less than the principal amount of
16 the appropriation bonds or general obligation promissory notes being refunded and
17 for the payment of which the deposit has been created and pledged, together with
18 applicable redemption premiums and interest accrued and to accrue to maturity or
19 to the date of redemption, then the application of the sale proceeds shall be legally
20 sufficient only if the moneys deposited are invested in securities issued by the United
21 States or one of its agencies, or securities fully guaranteed by the United States, and
22 only if the principal amount of the securities at maturity and the income therefrom
23 to maturity will be sufficient and available, without the need for any further
24 investment or reinvestment, to pay at maturity or upon redemption the principal
25 amount of the appropriation bonds or general obligation promissory notes being

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1 refunded together with applicable redemption premiums and interest accrued and
2 to accrue to maturity or to the date of redemption. The income from the principal
3 proceeds of the securities shall be applied solely to the payment of the principal of
4 and interest and redemption premiums on the appropriation bonds or general
5 obligation promissory notes being refunded, but provision may be made for the
6 pledging and disposition of any surplus.

7 3. Nothing in this paragraph may be construed as a limitation on the duration
8 of any deposit in trust for the retirement of appropriation bonds or general obligation
9 promissory notes being refunded that have not matured and that are not presently
10 redeemable. Nothing in this paragraph may be constructed to prohibit reinvestment
11 of the income of a trust if the reinvestments will mature at such times that sufficient
12 moneys will be available to pay interest, applicable premiums, and principal on the
13 appropriation bonds or general obligation promissory notes being refunded.

14 (7) FISCAL REGULATIONS. (a) All appropriation bonds shall be registered by the
15 county clerk or county treasurer of the county issuing the appropriation bonds, or
16 such other officers or agents, including fiscal agents, as the board may determine.
17 After registration, no transfer of an appropriation bond is valid unless made by the
18 registered owner's duly authorized attorney, on the records of the county and
19 similarly noted on the appropriation bond. The county may treat the registered
20 owner as the owner of the appropriation bond for all purposes. Payments of principal
21 and interest shall be by electronic funds transfer, check, share draft, or other draft
22 to the registered owner at the owner's address as it appears on the register, unless
23 the board has otherwise provided. Information in the register is not available for
24 inspection and copying under s. 19.35 (1). The board may make any other provision
25 respecting registration as it considers necessary or desirable.

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1 (b) The board may appoint one or more trustees or fiscal agents for each issue
2 of appropriation bonds. The county treasurer may be designated as the trustee and
3 the sole fiscal agent or as cofiscal agent for any issue of appropriation bonds. Every
4 other fiscal agent shall be an incorporated bank or trust company authorized by the
5 laws of the United States or of the state in which it is located to conduct banking or
6 trust company business. There may be deposited with a trustee, in a special account,
7 moneys to be used only for the purposes expressly provided in the resolution
8 authorizing the issuance of appropriation bonds or an agreement between the county
9 and the trustee. The board may make other provisions respecting trustees and fiscal
10 agents as the board considers necessary or desirable and may enter into contracts
11 with any trustee or fiscal agent containing such terms, including compensation, and
12 conditions in regard to the trustee or fiscal agent as the board considers necessary
13 or desirable.

14 (c) If any appropriation bond is destroyed, lost, or stolen, the county shall
15 execute and deliver a new appropriation bond, upon filing with the board evidence
16 satisfactory to the board that the appropriation bond has been destroyed, lost, or
17 stolen, upon providing proof of ownership thereof, and upon furnishing the board
18 with indemnity satisfactory to it and complying with such other rules of the county
19 and paying any expenses that the county may incur. The board shall cancel the
20 appropriation bond surrendered to the county.

21 (d) Unless otherwise directed by the board, every appropriation bond paid or
22 otherwise retired shall be marked “canceled” and delivered to the county treasurer,
23 or to such other fiscal agent as applicable with respect to the appropriation bond, who
24 shall destroy them and deliver a certificate to that effect to the county clerk.

SENATE BILL 40**SECTION 1858**

1 **(8)** APPROPRIATION BONDS AS LEGAL INVESTMENTS. Any of the following may
2 legally invest any sinking funds, moneys, or other funds belonging to them or under
3 their control in any appropriation bonds issued under this section:

4 (a) The state, the investment board, public officers, municipal corporations,
5 political subdivisions, and public bodies.

6 (b) Banks and bankers, savings and loan associations, credit unions, trust
7 companies, savings banks and institutions, investment companies, insurance
8 companies, insurance associations, and other persons carrying on a banking or
9 insurance business.

10 (c) Personal representatives, guardians, trustees, and other fiduciaries.

11 **(9)** MORAL OBLIGATION PLEDGE. If the board considers it necessary or desirable
12 to do so, it may express in a resolution authorizing appropriation bonds its
13 expectation and aspiration to make timely appropriations sufficient to pay the
14 principal and interest due with respect to such appropriation bonds, to make
15 deposits into a reserve fund created under sub. (4) (a) with respect to such
16 appropriation bonds, to make payments under any agreement or ancillary
17 arrangement entered into under s. 59.86 with respect to such appropriation bonds,
18 to make deposits into any stabilization fund established or continued under s. 59.87
19 with respect to such appropriation bonds, or to pay related issuance or
20 administrative expenses.

21 **(10)** PENSION STUDY COMMITTEE. The 2 public members of the pension study
22 committee, created by chapter 405, laws of 1965, shall have at least 10 years of
23 financial experience.

24 **SECTION 1859.** 59.86 of the statutes is created to read:

SENATE BILL 40**SECTION 1859**

1 **59.86 Agreements and ancillary arrangements for certain notes and**
2 **appropriation bonds.** At the time of issuance or in anticipation of the issuance of
3 appropriation bonds under s. 59.85, or general obligation promissory notes under s.
4 67.12 (12), to pay unfunded prior service liability with respect to an employee
5 retirement system, or at any time thereafter so long as the appropriation bonds or
6 general obligation promissory notes are outstanding, a county having a population
7 of 500,000 or more may enter into agreements or ancillary arrangements relating to
8 the appropriation bonds or general obligation promissory notes, including trust
9 indentures, liquidity facilities, remarketing or dealer agreements, letters of credit,
10 insurance policies, guaranty agreements, reimbursement agreements, indexing
11 agreements, and interest exchange agreements. Any payments made or amounts
12 received with respect to any such agreement or ancillary arrangement shall be made
13 from or deposited as provided in the agreement or ancillary arrangement.

14 **SECTION 1860.** 59.87 of the statutes is created to read:

15 **59.87 Employee retirement system liability financing in populous**
16 **counties; additional powers. (1) DEFINITIONS.** In this section:

17 (a) “Board” means the county board of supervisors in any county.

18 (b) “County” means any county having a population of 500,000 or more.

19 (c) “Pension funding plan” means a strategic and financial plan related to the
20 payment of all or part of a county’s unfunded prior service liability with respect to
21 an employee retirement system.

22 (d) “Trust” means a common law trust organized under the laws of this state,
23 by the county, as settlor, pursuant to a formal, written, declaration of trust.

SENATE BILL 40**SECTION 1860**

1 **(2) SPECIAL FINANCING ENTITIES, FUNDS, AND ACCOUNTS.** (a) To facilitate a pension
2 funding plan and in furtherance thereof, a board may create one or more of the
3 following:

4 1. A trust.

5 2. A nonstock corporation under ch. 181.

6 3. A limited liability company under ch. 183.

7 4. A special fund or account of the county.

8 (b) An entity described under par. (a) has all of the powers provided to it under
9 applicable law and the documents pursuant to which it is created and established.
10 The powers shall be construed broadly in favor of effectuating the purposes for which
11 the entity is created. A county may appropriate funds to such entities and to such
12 funds and accounts, under terms and conditions established by the board, consistent
13 with the purposes for which they are created and established.

14 **(3) STABILIZATION FUNDS.** (a) To facilitate a pension funding plan a board may
15 establish a stabilization fund. Any such fund may be created as a trust, a special fund
16 or account of the county established by a separate resolution or ordinance, or a fund
17 or account created under an authorizing resolution or trust indenture in connection
18 with the authorization and issuance of appropriation bonds under s. 59.85 or general
19 obligation promissory notes under s. 67.12 (12). A county may appropriate funds for
20 deposit to a stabilization fund established under this subsection.

21 (b) Moneys in a stabilization fund established under this subsection may be
22 used, subject to annual appropriation by the board, solely to pay principal or interest
23 on appropriation bonds issued under s. 59.85 and general obligation promissory
24 notes under s. 67.12 (12) issued in connection with a pension funding plan, for the
25 redemption or repurchase of such appropriation bonds or general obligation

SENATE BILL 40**SECTION 1860**

1 promissory notes, or to make payments under any agreement or ancillary
2 arrangement entered into under s. 59.86 with respect to such appropriation bonds
3 or general obligation promissory notes. Moneys on deposit in a stabilization fund
4 may not be subject to any claims, demands, or actions by, or transfers or assignments
5 to, any creditor of the county, any beneficiary of the county's employee retirement
6 system, or any other person, on terms other than as may be established in the
7 resolution or ordinance creating the stabilization fund. Moneys on deposit in a
8 stabilization fund established under this subsection may be invested and reinvested
9 in the manner directed by the board or pursuant to delegation by the board as
10 provided under s. 66.0603 (5).

11 **SECTION 1861.** 60.63 (intro.) of the statutes is amended to read:

12 **60.63 Community and other living arrangements.** (intro.) For purposes
13 of s. 60.61, the location of a community living arrangement for adults, as defined in
14 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
15 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
16 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any town shall
17 be subject to the following criteria:

18 **SECTION 1862.** 60.63 (4) of the statutes is amended to read:

19 **60.63 (4)** If the community living arrangement has capacity for 8 or fewer
20 persons being served by the program, meets the criteria listed in subs. (1) and (2),
21 and is licensed, operated, or permitted under the authority of the department of
22 health and family services or the department of children and families, the
23 community living arrangement is entitled to locate in any residential zone, without
24 being required to obtain special zoning permission except as provided under sub.
25 (10).

SENATE BILL 40**SECTION 1863**

1 **SECTION 1863.** 60.63 (5) of the statutes is amended to read:

2 **60.63 (5)** In all cases where the community living arrangement has capacity
3 for 9 to 15 persons being served by the program, meets the criteria listed in subs. (1)
4 and (2), and is licensed, operated, or permitted under the authority of the department
5 of health and family services or the department of children and families, that facility
6 is entitled to locate in any residential area except areas zoned exclusively for
7 single-family or 2-family residences except as provided in sub. (10), but is entitled
8 to apply for special zoning permission to locate in those areas. The town may grant
9 such special zoning permission at its discretion and shall make a procedure available
10 to enable such facilities to request such permission.

11 **SECTION 1864.** 60.63 (6) of the statutes is amended to read:

12 **60.63 (6)** In all cases where the community living arrangement has capacity
13 for serving 16 or more persons, meets the criteria listed in subs. (1) and (2), and is
14 licensed, operated, or permitted under the authority of the department of health and
15 family services or the department of children and families, that facility is entitled to
16 apply for special zoning permission to locate in areas zoned for residential use. The
17 town may grant such special zoning permission at its discretion and shall make a
18 procedure available to enable such facilities to request such permission.

19 **SECTION 1865.** 60.63 (7) of the statutes is amended to read:

20 **60.63 (7)** The department of health and family services shall designate a single
21 subunit within ~~the~~ that department to maintain appropriate records indicating the
22 location and the capacity of each community living arrangement for adults, and such
23 information shall be available to the public. The department of children and families
24 shall designate a single subunit within that department to maintain appropriate

SENATE BILL 40**SECTION 1865**

1 records indicating the location and the capacity of each community living
2 arrangement for children, and such information shall be available to the public.

3 **SECTION 1866.** 60.63 (9) of the statutes is amended to read:

4 60.63 (9) The attorney general shall take all necessary action, upon the request
5 of the department of health and family services or the department of children and
6 families, to enforce compliance with this section.

7 **SECTION 1867.** 62.13 (5) (i) of the statutes is amended to read:

8 62.13 (5) (i) Any person suspended, reduced, suspended and reduced, or
9 removed by the board may appeal from the order of the board to the circuit court by
10 serving written notice of the appeal on the secretary of the board within 10 days after
11 the order is filed. Within 5 days after receiving written notice of the appeal, the board
12 shall certify to the clerk of the circuit court the record of the proceedings, including
13 all documents, testimony and minutes. The action shall then be at issue and shall
14 have precedence over any other cause of a different nature pending in the court,
15 which shall always be open to the trial thereof. The court shall upon application of
16 the accused or of the board fix a date of trial, which shall not be later than 15 days
17 after such application except by agreement. The trial shall be by the court and upon
18 the return of the board, except that the court may require further return or the taking
19 and return of further evidence by the board. The question to be determined by the
20 court shall be: Upon the evidence is there just cause, as described under par. (em),
21 to sustain the charges against the accused? No costs shall be allowed either party
22 and the clerk's fees shall be paid by the city. If the order of the board is reversed, the
23 accused shall be forthwith reinstated and entitled to pay as though in continuous
24 service. If the order of the board is sustained it shall be final and conclusive. This
25 paragraph does not apply to any person who is suspended, reduced, suspended and

SENATE BILL 40**SECTION 1867**

1 reduced, or removed by the board or by a committee or person acting under this
2 subsection in place of a board, and who is subject to the terms of a collective
3 bargaining agreement entered into under subch. IV of ch. 111 that provides an
4 alternative to the appeals procedure specified in this paragraph, unless the person
5 chooses to appeal the order to circuit court. If the alternative to the appeals
6 procedure includes a hearing, the hearing shall be open to the public with reasonable
7 advance notice given by the employer. An accused person who chooses to appeal the
8 decision of the board through a collectively bargained alternative to the appeals
9 procedure specified in this paragraph is considered to have waived his or her right
10 to circuit court review of the board decision.

11 **SECTION 1868.** 62.23 (7) (i) (intro.) of the statutes is amended to read:

12 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes
13 of this section, the location of a community living arrangement for adults, as defined
14 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743
15 (1), a foster home, as defined in s. 48.02 (6), a treatment foster home, as defined in
16 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any city shall be
17 subject to the following criteria:

18 **SECTION 1869.** 62.23 (7) (i) 3. of the statutes is amended to read:

19 62.23 (7) (i) 3. In all cases where the community living arrangement has
20 capacity for 8 or fewer persons being served by the program, meets the criteria listed
21 in subds. 1. and 2., and is licensed, operated, or permitted under the authority of the
22 department of health and family services or the department of children and families,
23 that facility is entitled to locate in any residential zone, without being required to
24 obtain special zoning permission except as provided in subd. 9.

25 **SECTION 1870.** 62.23 (7) (i) 4. of the statutes is amended to read:

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1 62.23 (7) (i) 4. In all cases where the community living arrangement has
2 capacity for 9 to 15 persons being served by the program, meets the criteria listed in
3 subds. 1. and 2., and is licensed, operated, or permitted under the authority of the
4 department of health and family services or the department of children and families,
5 that facility is entitled to locate in any residential area except areas zoned exclusively
6 for single-family or 2-family residences except as provided in subd. 9., but is entitled
7 to apply for special zoning permission to locate in those areas. The city may grant
8 such special zoning permission at its discretion and shall make a procedure available
9 to enable such facilities to request such permission.

10 **SECTION 1871.** 62.23 (7) (i) 5. of the statutes is amended to read:

11 62.23 (7) (i) 5. In all cases where the community living arrangement has
12 capacity for serving 16 or more persons, meets the criteria listed in subds. 1. and 2.,
13 and is licensed, operated, or permitted under the authority of the department of
14 health and family services or the department of children and families, that facility
15 is entitled to apply for special zoning permission to locate in areas zoned for
16 residential use. The city may grant such special zoning permission at its discretion
17 and shall make a procedure available to enable such facilities to request such
18 permission.

19 **SECTION 1872.** 62.23 (7) (i) 6. of the statutes is amended to read:

20 62.23 (7) (i) 6. The department of health and family services shall designate
21 a single subunit within the that department to maintain appropriate records
22 indicating the location and number of persons served by each community living
23 arrangement for adults, and such information shall be available to the public. The
24 department of children and families shall designate a single subunit within that
25 department to maintain appropriate records indicating the location and number of

SENATE BILL 40**SECTION 1872**

1 persons served by each community living arrangement for children, and such
2 information shall be available to the public.

3 **SECTION 1873.** 62.23 (7) (i) 8. of the statutes is amended to read:

4 62.23 (7) (i) 8. The attorney general shall take all necessary action, upon the
5 request of the department of health and family services or the department of children
6 and families, to enforce compliance with this paragraph.

7 **SECTION 1874.** 66.0137 (3) of the statutes is amended to read:

8 66.0137 (3) HEALTH INSURANCE FOR UNEMPLOYED PERSONS. Any city, village,
9 town, or county may purchase health or dental insurance for unemployed persons
10 residing in the city, village, town, or county who are not eligible for medical
11 assistance under s. 49.46, 49.468 or, 49.47, or 49.471 (4) (a) or (b).

12 **SECTION 1875.** 66.0137 (4) of the statutes is amended to read:

13 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
14 a village provides health care benefits under its home rule power, or if a town
15 provides health care benefits, to its officers and employees on a self-insured basis,
16 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
17 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4), (5),
18 and (6), 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.513 (4).

19 **SECTION 1876.** 66.0301 (1) (a) of the statutes is amended to read:

20 66.0301 (1) (a) In this section “municipality” means the state or any
21 department or agency thereof, or any city, village, town, county, school district, public
22 library system, public inland lake protection and rehabilitation district, sanitary
23 district, farm drainage district, metropolitan sewerage district, sewer utility district,
24 solid waste management system created under s. 59.70 (2), local exposition district
25 created under subch. II of ch. 229, local professional baseball park district created

SENATE BILL 40**SECTION 1876**

1 under subch. III of ch. 229, local professional football stadium district created under
2 subch. IV of ch. 229, a local cultural arts district created under subch. V of ch. 229,
3 ~~family~~ long-term care district under s. 46.2895, water utility district, mosquito
4 control district, municipal electric company, county or city transit commission,
5 commission created by contract under this section, taxation district, regional
6 planning commission, or city-county health department.

7 **SECTION 1877.** 66.0601 (1) (b) of the statutes is amended to read:

8 66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town, ~~family~~
9 long-term care district under s. 46.2895 or agency or subdivision of a city, village or
10 town may authorize funds for or pay to a physician or surgeon or a hospital, clinic
11 or other medical facility for the performance of an abortion except those permitted
12 under and which are performed in accordance with s. 20.927.

13 **SECTION 1878.** 66.0601 (1) (c) of the statutes is amended to read:

14 66.0601 (1) (c) *Payments for abortion-related activity restricted.* No city,
15 village, town, ~~family~~ long-term care district under s. 46.2895 or agency or
16 subdivision of a city, village or town may authorize payment of funds for a grant,
17 subsidy or other funding involving a pregnancy program, project or service if s.
18 20.9275 (2) applies to the pregnancy program, project or service.

19 **SECTION 1879.** 66.0602 (1) (am) of the statutes is created to read:

20 66.0602 (1) (am) “Joint fire department” means a joint fire department
21 organized under s. 61.65 (2) (a) 3. or 62.13 (2m), or a joint fire department organized
22 by any combination of 2 or more cities, villages, or towns under s. 66.0301 (2).

23 **SECTION 1880.** 66.0602 (1) (b) of the statutes is amended to read:

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1 66.0602 (1) (b) “Penalized excess” means the levy, in an amount that is at least
2 \$500 over the limit under sub. (2) for the political subdivision, not including any
3 amount that is excepted from the limit under subs. (3), (4), and (5).

4 **SECTION 1881.** 66.0602 (1) (d) of the statutes is amended to read:

5 66.0602 (1) (d) “Valuation factor” means a percentage equal to the greater of
6 either 4 percent or the percentage change in the political subdivision’s January 1
7 equalized value due to new construction less improvements removed between the
8 previous year and the current year, ~~but not less than 2. Except as provided in subs.~~
9 ~~(3), (4), and (5), no political subdivision may increase its levy in any year by a~~
10 ~~percentage that exceeds the political subdivision’s valuation factor. In determining~~
11 ~~its levy in any year, a city, village, or town shall subtract any tax increment that is~~
12 ~~calculated under s. 60.85 (1) (L) or 66.1105 (2) (i).~~

13 **SECTION 1882.** 66.0602 (2) of the statutes is created to read:

14 66.0602 (2) LEVY LIMIT. Except as provided in subs. (3), (4), and (5), no political
15 subdivision may increase its levy in 2007 or 2008 by a percentage that exceeds the
16 political subdivision’s valuation factor. The base amount in any year, to which the
17 limit under this section applies, shall be the maximum allowable levy for the
18 immediately preceding year. In determining its levy in any year, a city, village, or
19 town shall subtract any tax increment that is calculated under s. 60.85 (1) (L) or
20 66.1105 (2) (i).

21 **SECTION 1883.** 66.0602 (3) (d) 3. of the statutes is created to read:

22 66.0602 (3) (d) 3. The limit otherwise applicable under this section does not
23 apply to amounts levied by a county having a population of 500,000 or more for the
24 payment of debt service on appropriation bonds issued under s. 59.85, including debt
25 service on appropriation bonds issued to fund or refund outstanding appropriation

SENATE BILL 40**SECTION 1883**

1 bonds of the county, to pay related issuance costs or redemption premiums, or to
2 make payments with respect to agreements or ancillary arrangements authorized
3 under s. 59.86.

4 **SECTION 1884.** 66.0602 (3) (e) of the statutes is renumbered 66.0602 (3) (e)
5 (intro.) and amended to read:

6 66.0602 (3) (e) (intro.) The limit otherwise applicable under this section does
7 not apply to the amount that a county levies in that year for a county children with
8 disabilities education board. any of the following:

9 **SECTION 1885.** 66.0602 (3) (e) 1. of the statutes is created to read:

10 66.0602 (3) (e) 1. The amount that a county levies in that year for a county
11 children with disabilities education board.

12 **SECTION 1886.** 66.0602 (3) (e) 2. of the statutes is created to read:

13 66.0602 (3) (e) 2. The amount that a 1st class city levies in that year for school
14 purposes.

15 **SECTION 1887.** 66.0602 (3) (e) 3. of the statutes is created to read:

16 66.0602 (3) (e) 3. The amount that a county levies in that year under s. 82.08
17 (2) for bridge and culvert construction and repair.

18 **SECTION 1888.** 66.0602 (3) (e) 4. of the statutes is created to read:

19 66.0602 (3) (e) 4. The amount that a county levies in that year to make
20 payments to an adjacent county, under s. 43.12 (1), for library services.

21 **SECTION 1889.** 66.0602 (3) (e) 5. of the statutes is created to read:

22 66.0602 (3) (e) 5. The amount that a political subdivision levies in that year to
23 make up any revenue shortfall for the debt service on a revenue bond issued under
24 s. 66.0621.

25 **SECTION 1890.** 66.0602 (3) (f) of the statutes is repealed.

SENATE BILL 40**SECTION 1891**

1 **SECTION 1891.** 66.0602 (3) (h) 1. of the statutes is amended to read:

2 66.0602 (3) (h) 1. Subject to subd. 2., the limit otherwise applicable under this
3 section does not apply to the amount that a city, village, or town levies in that year
4 to pay for charges assessed by a joint fire department ~~organized under s. 61.65 (2)~~
5 ~~(a) 3. or 62.13 (2m)~~, but only to the extent that the amount levied to pay for such
6 charges would cause the city, village, or town to exceed the limit that is otherwise
7 applicable under this section.

8 **SECTION 1892.** 66.0602 (4) (a) of the statutes is amended to read:

9 66.0602 (4) (a) A political subdivision may exceed the levy increase limit under
10 sub. (2) if its governing body adopts a resolution to that effect and if the resolution
11 is approved in a referendum. The resolution shall specify the proposed amount of
12 increase in the levy beyond the amount that is allowed under sub. (2), and shall
13 specify whether the proposed amount of increase is for the next fiscal year only or if
14 it will apply on an ongoing basis. With regard to a referendum relating to the 2005
15 levy, or any levy in an odd-numbered year thereafter, the political subdivision may
16 call a special referendum for the purpose of submitting the resolution to the electors
17 of the political subdivision for approval or rejection. With regard to a referendum
18 relating to the 2006 levy, or any levy in an even-numbered year thereafter, the
19 referendum shall be held at the next succeeding spring primary or election or
20 September primary or general election.

21 **SECTION 1893.** 66.0602 (4) (d) of the statutes is amended to read:

22 66.0602 (4) (d) Within 14 days after the referendum, the clerk of the political
23 subdivision shall certify the results of the referendum to the department of revenue.
24 The levy increase limit otherwise applicable to the political subdivision under this
25 section is increased in the next fiscal year by the percentage approved by a majority

SENATE BILL 40**SECTION 1893**

1 of those voting on the question. If the resolution specifies that the increase is for one
2 year only, the amount of the increase shall be subtracted from the base used to
3 calculate the limit for the 2nd succeeding fiscal year.

4 **SECTION 1894.** 66.0602 (5) of the statutes is amended to read:

5 66.0602 (5) EXCEPTION, CERTAIN TOWNS. A town with a population of less than
6 2,000 may exceed the levy increase limit otherwise applicable under this section to
7 the town if the town board adopts a resolution supporting an increase and places the
8 question on the agenda of an annual town meeting or a special town meeting and if
9 the annual or special town meeting adopts a resolution endorsing the town board's
10 resolution. The limit otherwise applicable to the town under this section is increased
11 in the next fiscal year by the percentage approved by a majority of those voting on
12 the question. Within 14 days after the adoption of the resolution, the town clerk shall
13 certify the results of the vote to the department of revenue.

14 **SECTION 1895.** 66.0602 (6) (intro.) of the statutes is amended to read:

15 66.0602 (6) PENALTIES. (intro.) If Except as provided in sub. (6m), if the
16 department of revenue determines that a political subdivision has a penalized excess
17 in any year, the department of revenue shall do all of the following:

18 **SECTION 1896.** 66.0602 (6) (c) of the statutes is amended to read:

19 66.0602 (6) (c) Ensure that the amount of the penalized excess is not included
20 in determining the limit described under sub. (2) for the political subdivision for the
21 following year.

22 **SECTION 1897.** 66.0602 (6) (d) of the statutes is created to read:

23 66.0602 (6) (d) Ensure that, if a political subdivision's penalized excess exceeds
24 the amount of aid payment that may be reduced under par. (a), the excess amount

SENATE BILL 40**SECTION 1897**

1 is subtracted from the aid payments under par. (a) in the following years until the
2 total amount of penalized excess is subtracted from the aid payments.

3 **SECTION 1898.** 66.0602 (6m) of the statutes is created to read:

4 66.0602 **(6m)** MISTAKES IN LEVIES. The department of revenue may issue a
5 finding that a political subdivision is not liable for a penalty that would otherwise
6 be imposed under sub. (6) if the department determines that the political
7 subdivision's penalized excess is caused by one of the following clerical errors:

8 (a) The department, through mistake or inadvertence, has assessed to any
9 county or taxation district, in the current year or in the previous year, a greater or
10 less valuation for any year than should have been assessed, causing the political
11 subdivision's levy to be erroneous in a way that directly causes a penalized excess.

12 (b) A taxation district clerk or a county clerk, through mistake or inadvertence
13 in preparing or delivering the tax roll, causes a political subdivision's levy to be
14 erroneous in a way that directly causes a penalized excess.

15 **SECTION 1899.** 66.0602 (7) of the statutes is repealed.

16 **SECTION 1900.** 66.0603 (1m) (e) of the statutes is created to read:

17 66.0603 **(1m)** (e) Subject to s. 67.11 (2) with respect to funds on deposit in a debt
18 service fund for general obligation promissory notes issued under s. 67.12 (12), a
19 county having a population of 500,000 or more, or a person to whom the county has
20 delegated investment authority under sub. (5), may invest and reinvest in the same
21 manner as is authorized for investments and reinvestments under s. 881.01, any of
22 the following:

23 1. Moneys held in any stabilization fund established under s. 59.87 (3).

24 2. Moneys held in a fund or account, including any reserve fund, created in
25 connection with the issuance of appropriation bonds under s. 59.85 or general

SENATE BILL 40**SECTION 1900**

1 obligation promissory notes under s. 67.12 (12) issued to provide funds for the
2 payment of all or a part of the county's unfunded prior service liability.

3 3. Moneys appropriated or held by the county to pay debt service on
4 appropriation bonds or general obligation promissory notes under s. 67.12 (12).

5 4. Moneys constituting proceeds of appropriation bonds or general obligation
6 promissory notes described in subd. 2. that are available for investment until they
7 are spent.

8 5. Moneys held in an employee retirement system of the county.

9 **SECTION 1901.** 66.0603 (5) of the statutes is created to read:

10 **66.0603 (5)** DELEGATION OF INVESTMENT AUTHORITY IN CONNECTION WITH PENSION
11 FINANCING IN POPULOUS COUNTIES. The governing board of a county having a
12 population of 500,000 or more may delegate investment authority over any of the
13 moneys described in sub. (1m) (e) to any of the following persons, which shall be
14 responsible for the general administration and proper operation of the county's
15 employee retirement system, subject to the board's finding that such person has
16 expertise in the field of investments:

17 (a) A public board that is organized for such purpose under county ordinances.

18 (b) A trustee, investment advisor, or investment banking or consulting firm.

19 **SECTION 1902.** 66.0615 (1m) (f) 2. of the statutes is amended to read:

20 **66.0615 (1m)** (f) 2. Sections 77.51 (12m), (14) ~~(e)~~, ~~(f)~~ and ~~(j)~~ and, (14g), (15a),
21 and (15b), 77.52 (3), (4), ~~(6)~~ and (13), (14), (18), and (19), 77.522, 77.58 (1) to (5), (6m),
22 and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9), and (12) to ~~(14)~~ (15), and
23 77.62, as they apply to the taxes under subch. III of ch. 77, apply to the tax described
24 under subd. 1.

25 **SECTION 1903.** 66.0902 of the statutes is created to read:

SENATE BILL 40**SECTION 1903**

1 **66.0902 False claims. (1)** DEFINITIONS. In this section:

2 (a) “Local governmental unit” has the meaning given in s. 66.0131 (1) (a).

3 (b) “Public contract” means a contract for the construction, execution, repair,
4 remodeling, or improvement of a public work or building or for the furnishing of
5 supplies, equipment, material, or professional or contractual services of any kind.

6 **(2)** PRESENTATION OF FALSE CLAIMS. Whoever knowingly presents or causes to
7 be presented a false claim for payment under any public contract with a local
8 governmental unit shall forfeit not less than \$5,000 nor more than \$10,000, plus 3
9 times the amount of the damages that were sustained by the local governmental unit
10 or would have been sustained by the local governmental unit, whichever is greater,
11 as a result of the false claim.

12 **SECTION 1904.** 66.1017 (1) (a) of the statutes is amended to read:

13 66.1017 **(1)** (a) “Family day care home” means a dwelling licensed as a day care
14 center by the department of ~~health and family services~~ children and families under
15 s. 48.65 where care is provided for not more than 8 children.

16 **SECTION 1905.** 66.1105 (6) (g) of the statutes is created to read:

17 66.1105 **(6)** (g) 1. After the date on which a tax incremental district created by
18 a 1st class city pays off the aggregate of all of its project costs, and notwithstanding
19 the time at which such a district would otherwise be required to terminate under sub.
20 (7), a 1st class city may extend the life of the district for not more than 12 months if
21 the city does all of the following:

22 a. The city enacts an ordinance extending the life of the district for a specified
23 number of months.

SENATE BILL 40**SECTION 1905**

1 b. The city forwards a copy of the ordinance to the department of revenue,
2 notifying the department that it must continue to authorize the allocation of tax
3 increments to the district under par. (a).

4 2. If the department of revenue receives a notice described under subd. 1. b.,
5 it shall continue authorizing the allocation of tax increments to the district under
6 par. (a) during the district's life, as extended by the city, as if the district's costs had
7 not been paid off and without regard to whether any of the time periods specified in
8 par. (a) 2. to 8. would otherwise require terminating the allocation of such
9 increments.

10 3. If a city receives tax increments as described in subd. 2., the city may use up
11 to 75 percent of the increments received to benefit affordable housing in the city. The
12 remaining portion of the increments shall be used by the city to improve the city's
13 housing stock.

14 **SECTION 1906.** 66.1113 (2) (a) of the statutes is amended to read:

15 66.1113 **(2)** (a) The governing body of a political subdivision, by a two-thirds
16 vote of the members of the governing body who are present when the vote is taken,
17 may enact an ordinance or adopt a resolution declaring itself or, in the case of par.
18 (i), a part of itself to be a premier resort area if, except as provided in pars. (e), (f),
19 (g), ~~and~~ (h), and (i), at least 40% of the equalized assessed value of the taxable
20 property within such political subdivision is used by tourism-related retailers.

21 **SECTION 1907.** 66.1113 (2) (i) of the statutes is created to read:

22 66.1113 **(2)** (i) A 1st class city may enact an ordinance or adopt a resolution
23 declaring a specified part of itself to be a premier resort area under par. (a), even if
24 less than 40 percent of the equalized assessed value of the taxable property within
25 the specified area of the city is used by tourism-related retailers. A 1st class city that

SENATE BILL 40**SECTION 1907**

1 acts under this paragraph and imposes the tax described under par. (b) may spend
2 the proceeds of the tax only for infrastructure expenses within the specified area.
3 An ordinance enacted or a resolution adopted under this paragraph may take effect
4 only if all of the following apply:

- 5 1. The territory in the specified area is contiguous.
- 6 2. The specified area does not exceed 4 square miles.
- 7 3. The territory in the specified area corresponds to 9–digit zip code areas, as
8 determined by the United States Postal Service.

9 **SECTION 1908.** 66.1333 (5) (a) 3. of the statutes is amended to read:

10 66.1333 (5) (a) 3. Within the boundaries of the city, acquire by purchase, lease,
11 eminent domain, or otherwise, any real or personal property or any interest in the
12 property, together with any improvements on the property, necessary or incidental
13 to a redevelopment or urban renewal project; hold, improve, clear or prepare for
14 redevelopment or urban renewal any of the property; sell, lease, subdivide, retain or
15 make available the property for the city's use; mortgage or otherwise encumber or
16 dispose of any of the property or any interest in the property; enter into contracts
17 with redevelopers of property containing covenants, restrictions and conditions
18 regarding the use of the property in accordance with a redevelopment or urban
19 renewal plan, and other covenants, restrictions and conditions that the authority
20 considers necessary to prevent a recurrence of blighted areas or to effectuate the
21 purposes of this section; make any restrictions, conditions or covenants running with
22 the land and provide appropriate remedies for their breach; arrange or contract for
23 the furnishing of services, privileges, works or facilities for, or in connection with a
24 project; temporarily operate and maintain real property acquired by it in a project
25 area for or in connection with a project pending the disposition of the property for

SENATE BILL 40**SECTION 1908**

1 uses and purposes that may be deemed desirable even though not in conformity with
2 the redevelopment plan for the area; within the boundaries of the city, enter into any
3 blighted property, or building or property in any project area, in order to make
4 inspections, surveys, appraisals, soundings or test borings, and obtain a court order
5 for this purpose if entry is denied or resisted; own and hold property and insure or
6 provide for the insurance of any real or personal property or any of its operations
7 against any risks or hazards, including paying premiums on any insurance; invest
8 any project funds held in reserves or sinking funds or the funds not required for
9 immediate disbursement in property or securities in which savings banks may
10 legally invest funds subject to their control; redeem its bonds issued under this
11 section at the redemption price established in the bonds or purchase the bonds at less
12 than redemption price, all bonds so redeemed or purchased to be canceled; develop,
13 test and report methods and techniques, and carry out demonstrations and other
14 activities, for the prevention and elimination of slums and blight; and disseminate
15 blight elimination, slum clearance and urban renewal information.

16 **SECTION 1909.** 67.01 (9) (intro.) of the statutes is amended to read:

17 67.01 **(9)** (intro.) This chapter is not applicable to appropriation bonds issued
18 by a county under s. 59.85 and, except ss. 67.08 (1), 67.09 and 67.10, is not applicable:

19 **SECTION 1910.** 67.04 (5) (b) 4. of the statutes is amended to read:

20 67.04 **(5)** (b) 4. To pay unfunded prior service liability contributions under the
21 Wisconsin retirement system, or to pay unfunded prior service liability with respect
22 to an employee retirement system, if all of the net proceeds of the note will be used
23 to pay for such contributions or payments.

24 **SECTION 1911.** 67.045 (1) (g) of the statutes is created to read:

SENATE BILL 40**SECTION 1911**

1 67.045 (1) (g) The debt is issued by a county having a population of 500,000 or
2 more to pay unfunded prior service liability with respect to an employee retirement
3 system.

4 **SECTION 1912.** 67.12 (12) (a) of the statutes is amended to read:

5 67.12 (12) (a) Any municipality may issue promissory notes as evidence of
6 indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not
7 limited to paying any general and current municipal expense, and refunding any
8 municipal obligations, including interest on them. Each note, plus interest if any,
9 shall be repaid within 10 years after the original date of the note, except that notes
10 issued under this section for purposes of ss. 119.498, 145.245 (12m), 281.58, 281.59,
11 281.60, and 281.61, ~~or issued~~ to raise funds to pay a portion of the capital costs of a
12 metropolitan sewerage district, or issued by a county having a population of 500,000
13 or more to pay unfunded prior service liability with respect to an employee
14 retirement system shall be repaid within 20 years after the original date of the note.

15 **SECTION 1913.** 69.12 (1) of the statutes is amended to read:

16 69.12 (1) If the state registrar cannot make an amendment to a vital record
17 under s. 69.11 and a person with a direct and tangible interest in the vital record
18 alleges that information on the vital record does not represent the actual facts in
19 effect at the time the record was filed, the person may petition the circuit court of the
20 county in which the event which is the subject of the vital record is alleged to have
21 occurred. The petition shall be accompanied by a certified copy of the original vital
22 record. If the court finds that the petitioner has established the actual facts of the
23 event in effect when the record was filed, the clerk of court shall report the court's
24 determination to the state registrar on a form prescribed by the state registrar, along
25 with the fee required under s. 69.22 (5) ~~(a)-2~~ (b). Upon receipt of the report, the state

SENATE BILL 40**SECTION 1913**

1 registrar shall, if information as to the cause of death on an original certificate of
2 death is changed or if information on a marriage certificate concerning the identity
3 of a parent of a party to a marriage is changed, act under sub. (4), or shall change the
4 record under s. 69.11 (5) and send a notice of the change to the local registrar who
5 shall make the change in the record filed in his or her office. This subsection does
6 not apply to a name change prohibited under s. 301.47.

7 **SECTION 1914.** 69.13 (2) (d) of the statutes is amended to read:

8 69.13 (2) (d) The fee specified under s. 69.22 (5) ~~(b) 1~~ (bg).

9 **SECTION 1915.** 69.14 (1) (cm) of the statutes is amended to read:

10 69.14 (1) (cm) *Information concerning paternity.* For a birth which occurs en
11 route to or at a hospital, the filing party shall give the mother a copy of the pamphlet
12 under s. 69.03 (14). If the child's parents are not married at the time of the child's
13 birth, the filing party shall give the mother a copy of the form prescribed by the state
14 registrar under s. 69.15 (3) (b) 3. The filing party shall ensure that trained,
15 designated hospital staff provide to the child's available parents oral information or
16 an audio or video presentation and written information about the form and the
17 significance and benefits of, and alternatives to, establishing paternity, before the
18 parents sign the form. The filing party shall also provide an opportunity to complete
19 the form and have the form notarized in the hospital. If the mother provides a
20 completed form to the filing party while she is a patient in the hospital and within
21 5 days after the birth, the filing party shall send the form directly to the state
22 registrar. The department of ~~workforce development~~ children and families shall pay
23 the filing party a financial incentive for correctly filing a form within 60 days after
24 the child's birth.

25 **SECTION 1916.** 69.15 (3) (b) 1. of the statutes is amended to read:

SENATE BILL 40**SECTION 1916**

1 69.15 (3) (b) 1. Except as provided under par. (c), if the state registrar receives
2 a statement acknowledging paternity on a form prescribed by the state registrar and
3 signed by both of the birth parents of a child determined to be a marital child under
4 s. 767.803, a certified copy of the parents' marriage certificate, and the fee required
5 under s. 69.22 (5) (b) 4., the state registrar shall insert the name of the husband from
6 the marriage certificate as the father if the name of the father was omitted on the
7 original birth certificate. The state registrar shall include on the form for the
8 acknowledgment the items in s. 767.813 (5g).

9 **SECTION 1917.** 69.15 (3) (b) 3. of the statutes is amended to read:

10 69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives
11 a statement acknowledging paternity on a form prescribed by the state registrar and
12 signed by both parents, and by a parent or legal guardian of any parent who is under
13 the age of 18 years, along with the fee under s. 69.22, the state registrar shall insert
14 the name of the father under subd. 1. The state registrar shall mark the certificate
15 to show that the form is on file. The form shall be available to the department of
16 ~~workforce development~~ children and families or a county child support agency under
17 s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other
18 person with a direct and tangible interest in the record. The state registrar shall
19 include on the form for the acknowledgment the information in s. 767.805 and the
20 items in s. 767.813 (5g).

21 **SECTION 1918.** 69.20 (3) (f) of the statutes is amended to read:

22 69.20 (3) (f) The state or a local registrar may disclose a social security number
23 on a vital record to the department of ~~workforce development~~ children and families
24 or a county child support agency under s. 59.53 (5) in response to a request under s.
25 49.22 (2m).

SENATE BILL 40**SECTION 1919**

1 **SECTION 1919.** 69.22 (1) (a) of the statutes is amended to read:

2 69.22 (1) (a) Except as provided under par. (c), ~~\$7~~ \$20 for issuing one certified
3 copy of a vital record and ~~\$3~~ \$20 for any additional certified copy of the same vital
4 record issued at the same time.

5 **SECTION 1920.** 69.22 (1) (b) of the statutes is amended to read:

6 69.22 (1) (b) Except as provided under par. (c), \$20 for issuing an uncertified
7 copy of a vital record issued under s. 69.21 (2) (a) or (b) and \$20 for any additional
8 copy of the same vital record issued at the same time, or \$10 for verifying information
9 about the event submitted by a requester without issuance of a copy, ~~\$7~~, and ~~\$3~~ \$10
10 for any additional copy of the same vital record information issued at the same time.

11 **SECTION 1921.** 69.22 (1) (c) of the statutes is amended to read:

12 69.22 (1) (c) ~~Twelve~~ Twenty dollars for issuing an uncertified copy of a birth
13 certificate or a certified copy of a birth certificate, ~~\$7~~ \$10 of which shall be forwarded
14 to the secretary of administration as provided in sub. (1m) and credited to the
15 appropriations under s. 20.433 (1) (g) and (h); and ~~\$3~~ \$20 for issuing any additional
16 certified or uncertified copy of the same birth certificate issued at the same time.

17 **SECTION 1922.** 69.22 (1) (cm) of the statutes is amended to read:

18 69.22 (1) (cm) ~~Ten~~ Twenty dollars for issuing one certified copy of a certificate
19 of birth resulting in stillbirth and ~~\$3~~ \$20 for any additional certified copy of the same
20 certificate issued at the same time.

21 **SECTION 1923.** 69.22 (1) (d) of the statutes is amended to read:

22 69.22 (1) (d) In addition to other fees under this subchapter, ~~\$10~~ \$20 for
23 expedited service in issuing a vital record.

24 **SECTION 1924.** 69.22 (2) of the statutes is amended to read:

SENATE BILL 40**SECTION 1924**

1 69.22 (2) The state registrar and any local registrar may charge \$7 \$10 for a
2 search of vital records if the registrar finds no record. In addition to the \$7 \$10, a
3 registrar may charge a fee to cover the costs of a search of vital records if the
4 requester provides no identifying information or identifying information which is
5 imprecise or inadequate.

6 **SECTION 1925.** 69.22 (3m) of the statutes is created to read:

7 69.22 (3m) (a) Except as provided in par. (b), a local registrar that collects a fee
8 under sub. (1) (a), (b), (c), or (cm) shall forward 60 percent of the increase in that fee,
9 as affected by 2007 Wisconsin Act (this act), over the corresponding fee amount
10 specified in s. 69.22 (1) (a), (b), (c), or (cm), 2005 stats., to the secretary of
11 administration, to be credited to the appropriation account under s. 20.435 (1) (gm).

12 (b) A local registrar that collects a fee for issuing a certified or uncertified copy
13 of a birth certificate under sub. (1) (c) shall forward to the secretary of
14 administration, to be credited to the appropriation account under s. 20.435 (1) (gm),
15 60 percent of the increase in that fee, as affected by 2007 Wisconsin Act (this act),
16 that remains after \$10 is forwarded to the secretary of administration as provided
17 in sub. (1m), over the corresponding fee amount specified in s. 69.22 (1) (c), 2005
18 stats., that remained after \$7 was forwarded to the secretary of administration as
19 provided in s. 69.22 (1m), 2005 stats.

20 **SECTION 1926.** 69.22 (5) (a) of the statutes is repealed and recreated to read:

21 69.22 (5) (a) Twenty dollars for making changes under s. 69.15 (3) (b) 3. or (4m).

22 **SECTION 1927.** 69.22 (5) (b) of the statutes is repealed and recreated to read:

23 69.22 (5) (b) Forty dollars for making a change under s. 69.11 (4), 69.12 (1), (3),
24 or (5), or 69.15 (3) (a) 3., (b) 1. or 2., or (4) (a).

25 **SECTION 1928.** 69.22 (5) (bg) of the statutes is created to read:

SENATE BILL 40**SECTION 1928**

1 69.22 (5) (bg) Forty dollars for impounding a vital record or creating or
2 registering a new vital record under s. 69.12 (4), 69.13, 69.14 (1) (h), or 69.15 (2), (3)
3 (a) 1. or 2., (3m), or (4) (b).

4 **SECTION 1929.** 69.22 (5) (bj) of the statutes is created to read:

5 69.22 (5) (bj) Fifty dollars for the delayed filing of a vital record under s. 69.14
6 (2) (b) 5. or 6., 69.16 (2), or 69.19.

7 **SECTION 1930.** 69.30 (1) (am) of the statutes is renumbered 69.30 (1) (bd) and
8 amended to read:

9 69.30 (1) (bd) “Family Long-term care district” has the meaning given in s.
10 46.2805 (5) (7r).

11 **SECTION 1931.** 69.30 (2) of the statutes is amended to read:

12 69.30 (2) A financial institution, state agency, county department, Wisconsin
13 works agency, service office or family long-term care district or an employee of a
14 financial institution, state agency, county department, Wisconsin works agency,
15 service office or family long-term care district is not subject to s. 69.24 (1) (a) for
16 copying a certified copy of a vital record for use by the financial institution, state
17 agency, county department, Wisconsin works agency, service office or family
18 long-term care district, including use under s. 45.04 (5), if the copy is marked “FOR
19 ADMINISTRATIVE USE”.

20 **SECTION 1932.** 70.11 (2) of the statutes is amended to read:

21 70.11 (2) MUNICIPAL PROPERTY AND PROPERTY OF CERTAIN DISTRICTS, EXCEPTION.
22 Property owned by any county, city, village, town, school district, technical college
23 district, public inland lake protection and rehabilitation district, metropolitan
24 sewerage district, municipal water district created under s. 198.22, joint local water
25 authority created under s. 66.0823, family long-term care district under s. 46.2895

SENATE BILL 40**SECTION 1932**

1 or town sanitary district; lands belonging to cities of any other state used for public
2 parks; land tax–deeded to any county or city before January 2; but any residence
3 located upon property owned by the county for park purposes that is rented out by
4 the county for a nonpark purpose shall not be exempt from taxation. Except as to
5 land acquired under s. 59.84 (2) (d), this exemption shall not apply to land conveyed
6 after August 17, 1961, to any such governmental unit or for its benefit while the
7 grantor or others for his or her benefit are permitted to occupy the land or part thereof
8 in consideration for the conveyance. Leasing the property exempt under this
9 subsection, regardless of the lessee and the use of the leasehold income, does not
10 render that property taxable.

11 **SECTION 1933.** 70.11 (9m) of the statutes is created to read:

12 70.11 **(9m)** VETERANS SERVICE ORGANIZATIONS. Real property owned by a
13 veterans service organization that is chartered under federal law, if the property is
14 necessary for the location and convenience of buildings.

15 **SECTION 1934.** 70.11 (41p) of the statutes is created to read:

16 70.11 **(41p)** HEALTHY WISCONSIN AUTHORITY. All property owned by the Healthy
17 Wisconsin Authority, provided that use of the property is primarily related to the
18 purposes of the authority.

19 **SECTION 1935.** 70.111 (23) of the statutes is amended to read:

20 70.111 **(23)** VENDING MACHINES. All machines that automatically dispense soda
21 water beverages, as defined in s. 97.29 (1) (i), and items included as a food or beverage
22 under s. 77.54 (20) (a) and (b) food and food ingredient, as defined in s. 77.51 (3t),
23 upon the deposit in the machines of specified coins or currency, or insertion of a credit
24 card, in payment for the ~~soda water beverages, food or beverages~~ food and food
25 ingredient, as defined in s. 77.51 (3t).

SENATE BILL 40**SECTION 1936**

1 **SECTION 1936.** 71.01 (6) (L) of the statutes is repealed.

2 **SECTION 1937.** 71.01 (6) (m) of the statutes is repealed.

3 **SECTION 1938.** 71.01 (6) (n) of the statutes is amended to read:

4 71.01 **(6)** (n) For taxable years that begin after December 31, 1998, and before
5 January 1, 2000, for natural persons and fiduciaries, except fiduciaries of nuclear
6 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
7 Internal Revenue Code as amended to December 31, 1998, excluding sections 103,
8 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
9 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
10 104–188, and as amended by P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
11 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
12 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406
13 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121, excluding section 109 of
14 P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
15 of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
16 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding
17 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
18 (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L.
19 109–280, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.
20 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L.
21 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
22 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
23 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
24 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
25 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.

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1 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
2 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
3 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections
4 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121,
5 excluding section 109 of P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308,
6 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201,
7 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
8 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
9 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
10 811 and 844 of P.L. 109–280. The Internal Revenue Code applies for Wisconsin
11 purposes at the same time as for federal purposes. Amendments to the federal
12 Internal Revenue Code enacted after December 31, 1998, do not apply to this
13 paragraph with respect to taxable years beginning after December 31, 1998, and
14 before January 1, 2000, except that changes to the Internal Revenue Code made by
15 P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and
16 165 of P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134,
17 P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181,
18 P.L. 107–276, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–311,
19 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L.
20 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
21 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
22 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and
23 P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and changes that
24 indirectly affect the provisions applicable to this subchapter made by P.L. 106–36,
25 P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L.

SENATE BILL 40**SECTION 1938**

1 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
2 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.
3 107–276, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–311,
4 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L.
5 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
6 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
7 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and
8 P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for Wisconsin
9 purposes at the same time as for federal purposes.

10 **SECTION 1939.** 71.01 (6) (o) of the statutes is amended to read:

11 71.01 **(6)** (o) For taxable years that begin after December 31, 1999, and before
12 January 1, 2003, for natural persons and fiduciaries, except fiduciaries of nuclear
13 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
14 Internal Revenue Code as amended to December 31, 1999, excluding sections 103,
15 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
16 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
17 104–188, and as amended by P.L. 106–230, P.L. 106–554, excluding sections 162 and
18 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16,
19 P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101, 301
20 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358,
21 P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121,
22 excluding section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections
23 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding
24 sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L.
25 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,

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1 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections
2 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405
3 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280
4 and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73,
5 P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90,
6 P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
7 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
8 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
9 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
10 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
11 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
12 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
13 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
14 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.
15 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
16 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218,
17 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and
18 P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and
19 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309,
20 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
21 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
22 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
23 811 and 844 of P.L. 109–280. The Internal Revenue Code applies for Wisconsin
24 purposes at the same time as for federal purposes. Amendments to the federal
25 Internal Revenue Code enacted after December 31, 1999, do not apply to this

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1 paragraph with respect to taxable years beginning after December 31, 1999, and
2 before January 1, 2003, except that changes to the Internal Revenue Code made by
3 P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L.
4 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116,
5 P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147,
6 P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding
7 sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L.
8 108-121, P.L. 108-218, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and
9 403 (a) of P.L. 108-311, and P.L. 108-357, excluding sections 101, 201, 211, 242, 244,
10 336, 337, 422, 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding
11 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
12 of P.L. 109-58, P.L. 109-135, excluding sections 101, 105, 201 (a) as it relates to
13 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109-135, and P.L.
14 109-280, excluding sections 811 and 844 of P.L. 109-280, and changes that indirectly
15 affect the provisions applicable to this subchapter made by P.L. 106-230, P.L.
16 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16,
17 excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L.
18 107-147, excluding sections 101, 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L.
19 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and
20 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218,
21 P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311,
22 and P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909,
23 and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308,
24 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L.
25 109-135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402

SENATE BILL 40**SECTION 1939**

1 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
2 811 and 844 of P.L. 109–280, apply for Wisconsin purposes at the same time as for
3 federal purposes.

4 **SECTION 1940.** 71.01 (6) (p) of the statutes is amended to read:

5 71.01 **(6)** (p) For taxable years that begin after December 31, 2002, and before
6 January 1, 2004, for natural persons and fiduciaries, except fiduciaries of nuclear
7 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
8 Internal Revenue Code as amended to December 31, 2002, excluding sections 103,
9 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
10 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
11 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
12 431 of P.L. 107–16, and section sections 101 and 301 (a) of P.L. 107–147, and as
13 amended by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
14 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201
15 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
16 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101,
17 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375,
18 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
19 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections
20 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405
21 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,
22 and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73,
23 P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90,
24 P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
25 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and

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1 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
2 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
3 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
4 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
5 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
6 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
7 107–147, excluding ~~section~~ sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181,
8 P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201,
9 and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L.
10 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L.
11 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L.
12 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
13 of P.L. 108–357, and P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305,
14 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
15 P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a),
16 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding
17 sections 811 and 844 of P.L. 109–280. The Internal Revenue Code applies for
18 Wisconsin purposes at the same time as for federal purposes. Amendments to the
19 federal Internal Revenue Code enacted after December 31, 2002, do not apply to this
20 paragraph with respect to taxable years beginning after December 31, 2002, and
21 before January 1, 2004, except that changes to the Internal Revenue Code made by
22 P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121,
23 excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
24 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308,
25 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211,

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1 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375, P.L.
2 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
3 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections
4 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405
5 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,
6 and changes that indirectly affect the provisions applicable to this subchapter made
7 by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121,
8 excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
9 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308,
10 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211,
11 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375, P.L.
12 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
13 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections
14 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405
15 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,
16 apply for Wisconsin purposes at the same time as for federal purposes.

17 **SECTION 1941.** 71.01 (6) (q) of the statutes is amended to read:

18 71.01 (6) (q) For taxable years that begin after December 31, 2003, and before
19 January 1, 2005, for natural persons and fiduciaries, except fiduciaries of nuclear
20 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
21 Internal Revenue Code as amended to December 31, 2003, excluding sections 103,
22 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
23 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
24 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
25 431 of P.L. 107–16, ~~section~~ sections 101 and 301 (a) of P.L. 107–147, sections 106, 201,

SENATE BILL 40**SECTION 1941**

1 and 202 of P.L. 108–27, section 109 of P.L. 108–121, and section 1201 of P.L. 108–173,
2 and as amended by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
3 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101,
4 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375,
5 and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,
6 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73,
7 excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201
8 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
9 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
10 109–280, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.
11 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L.
12 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
13 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
14 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
15 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
16 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
17 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
18 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
19 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
20 107–134, P.L. 107–147, excluding section sections 101 and 301 (a) of P.L. 107–147,
21 P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding
22 sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L.
23 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
24 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L.
25 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,

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1 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7, P.L.
2 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
3 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L.
4 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
5 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L.
6 109–280, excluding sections 811 and 844 of P.L. 109–280. The Internal Revenue Code
7 applies for Wisconsin purposes at the same time as for federal purposes.
8 Amendments to the federal Internal Revenue Code enacted after December 31, 2003,
9 do not apply to this paragraph with respect to taxable years beginning after
10 December 31, 2003, and before January 1, 2005, except that changes to the Internal
11 Revenue Code made by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections
12 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections
13 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L.
14 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
15 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
16 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
17 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
18 P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
19 109–280, and changes that indirectly affect the provisions applicable to this
20 subchapter made by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections
21 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections
22 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L.
23 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
24 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
25 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,

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1 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
2 P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
3 109–280, apply for Wisconsin purposes at the same time as for federal purposes.

4 **SECTION 1942.** 71.01 (6) (r) of the statutes is amended to read:

5 71.01 **(6)** (r) For taxable years that begin after December 31, 2004, and before
6 January 1, 2006, for natural persons and fiduciaries, except fiduciaries of nuclear
7 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
8 Internal Revenue Code as amended to December 31, 2004, excluding sections 103,
9 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
10 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
11 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
12 P.L. 106–573, section 431 of P.L. 107–16, ~~section~~ sections 101 and 301 (a) of P.L.
13 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
14 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, and sections 101, 201, 211,
15 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and as amended by P.L.
16 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
17 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
18 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
19 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
20 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
21 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
22 indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
23 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L.
24 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
25 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and

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1 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
2 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
3 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
4 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
5 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
6 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
7 107–147, excluding ~~section~~ sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181,
8 P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201,
9 and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
10 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,
11 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,
12 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476,
13 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
14 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
15 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
16 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
17 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
18 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280. The
19 Internal Revenue Code applies for Wisconsin purposes at the same time as for federal
20 purposes. Amendments to the federal Internal Revenue Code enacted after
21 December 31, 2004, do not apply to this paragraph with respect to taxable years
22 beginning after December 31, 2004, and before January 1, 2006, except that changes
23 to the Internal Revenue Code made by P.L. 109–7, P.L. 109–58, excluding sections
24 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
25 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding

SENATE BILL 40**SECTION 1942**

1 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
2 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,
3 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding
4 sections 811 and 844 of P.L. 109–280, and changes that indirectly affect the
5 provisions applicable to this subchapter made by P.L. 109–7, P.L. 109–58, excluding
6 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
7 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
8 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
9 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
10 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280,
11 excluding sections 811 and 844 of P.L. 109–280, apply for Wisconsin purposes at the
12 same time as for federal purposes.

13 **SECTION 1943.** 71.01 (6) (s) of the statutes is created to read:

14 71.01 (6) (s) For taxable years that begin after December 31, 2005, and before
15 January 1, 2007, for natural persons and fiduciaries, except fiduciaries of nuclear
16 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
17 Internal Revenue Code as amended to December 31, 2005, excluding sections 103,
18 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
19 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
20 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
21 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
22 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
23 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
24 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
25 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of

SENATE BILL 40**SECTION 1943**

1 P.L. 109–59, section 301 of P.L. 109–73, and sections 101, 105, 201 (a) as it relates
2 to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as
3 amended by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
4 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
5 109–280, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L.
6 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L.
7 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
8 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
9 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
10 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
11 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
12 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
13 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
14 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
15 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.
16 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
17 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201
18 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
19 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201,
20 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L.
21 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323,
22 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding
23 section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L.
24 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
25 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding

SENATE BILL 40**SECTION 1943**

1 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L.
2 109–280, excluding sections 811 and 844 of P.L. 109–280. The Internal Revenue Code
3 applies for Wisconsin purposes at the same time as for federal purposes.
4 Amendments to the federal Internal Revenue Code enacted after December 31, 2005,
5 do not apply to this paragraph with respect to taxable years beginning after
6 December 31, 2005, and before January 1, 2007, except that changes to the Internal
7 Revenue Code made by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and
8 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844
9 of P.L. 109–280, and changes that indirectly affect the provisions applicable to this
10 subchapter made by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513
11 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of
12 P.L. 109–280, apply for Wisconsin purposes at the same time as for federal purposes.

13 **SECTION 1944.** 71.01 (6) (t) of the statutes is created to read:

14 71.01 (6) (t) For taxable years that begin after December 31, 2006, for natural
15 persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or
16 reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code
17 as amended to December 31, 2006, excluding sections 103, 104, and 110 of P.L.
18 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
19 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,
20 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
21 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and
22 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403
23 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
24 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
25 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301

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1 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
2 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of
3 P.L. 109–222, sections 811 and 844 of P.L. 109–280, and P.L. 109–432, and as
4 indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
5 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L.
6 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
7 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
8 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
9 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
10 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
11 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
12 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
13 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
14 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.
15 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
16 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
17 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,
18 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,
19 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L.
20 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
21 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146
22 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
23 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
24 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
25 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280,

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1 excluding sections 811 and 844 of P.L. 109–280. The Internal Revenue Code applies
2 for Wisconsin purposes at the same time as for federal purposes. Amendments to the
3 federal Internal Revenue Code enacted after December 31, 2006, do not apply to this
4 paragraph with respect to taxable years beginning after December 31, 2006.

5 **SECTION 1945.** 71.01 (7r) (c) of the statutes is created to read:

6 71.01 (7r) (c) Notwithstanding sub. (6), section 101 of P.L. 109–222, related to
7 extending the increased expense deduction under section 179 of the Internal
8 Revenue Code, applies to property used in farming that is acquired and placed in
9 service in taxable years beginning on or after January 1, 2008, and used by a person
10 who is actively engaged in farming. For purposes of this paragraph, “actively
11 engaged in farming” has the meaning given in 7 CFR 1400.201, and “farming” has
12 the meaning given in section 464 (e) (1) of the Internal Revenue Code.

13 **SECTION 1946.** 71.02 (1) of the statutes is amended to read:

14 71.02 (1) For the purpose of raising revenue for the state and the counties,
15 cities, villages and towns, there shall be assessed, levied, collected and paid a tax on
16 all net incomes of individuals and fiduciaries, except fiduciaries of nuclear
17 decommissioning trust or reserve funds subject to the tax under s. 71.23 (2), by every
18 natural person residing within the state or by his or her personal representative in
19 case of death, and trusts resident within the state; by every nonresident natural
20 person and trust of this state, upon such income as is derived from property located
21 or business transacted within the state including, but not limited by enumeration,
22 income derived from a limited partner’s distributive share of partnership income,
23 income derived from a limited liability company member’s distributive share of
24 limited liability company income, income derived from a covenant not to compete to
25 the extent that the covenant was based on a Wisconsin-based activity, the state

SENATE BILL 40**SECTION 1946**

1 lottery under ch. 565, any multijurisdictional lottery under ch. 565 if the winning
2 lottery ticket or lottery share was purchased from a retailer, as defined in s. 565.01
3 (6), located in this state or from the department, winnings from a casino or bingo hall
4 that is located in this state and that is operated by a Native American tribe or band
5 and pari-mutuel wager winnings or purses under ch. 562, and also by every
6 nonresident natural person upon such income as is derived from the performance of
7 personal services within the state, except as exempted under s. 71.05 (1) to (3). Every
8 natural person domiciled in the state shall be deemed to be residing within the state
9 for the purposes of determining liability for income taxes and surtaxes. A
10 single-owner entity that is disregarded as a separate entity under section 7701 of the
11 Internal Revenue Code is disregarded as a separate entity under this chapter, and
12 its owner is subject to the tax on the entity's income.

13 **SECTION 1947.** 71.04 (1) (a) of the statutes is amended to read:

14 71.04 (1) (a) All income or loss of resident individuals and resident estates and
15 trusts shall follow the residence of the individual, estate or trust. Income or loss of
16 nonresident individuals and nonresident estates and trusts from business, not
17 requiring apportionment under sub. (4), (10) or (11), shall follow the situs of the
18 business from which derived, except that all income that is realized from the sale of
19 or purchase and subsequent sale or redemption of lottery prizes if the winning tickets
20 were originally bought in this state shall be allocated to this state. All items of
21 income, loss and deductions of nonresident individuals and nonresident estates and
22 trusts derived from a tax-option corporation not requiring apportionment under
23 sub. (9) shall follow the situs of the business of the corporation from which derived,
24 except that all income that is realized from the sale of or purchase and subsequent
25 sale or redemption of lottery prizes if the winning tickets were originally bought in

SENATE BILL 40**SECTION 1947**

1 this state shall be allocated to this state. Income or loss of nonresident individuals
2 and nonresident estates and trusts derived from rentals and royalties from real
3 estate or tangible personal property, or from the operation of any farm, mine or
4 quarry, or from the sale of real property or tangible personal property shall follow the
5 situs of the property from which derived. Income from personal services of
6 nonresident individuals, including income from professions, shall follow the situs of
7 the services. A nonresident limited partner's distributive share of partnership
8 income shall follow the situs of the business, except that all income that is realized
9 from the sale of or purchase and subsequent sale or redemption of lottery prizes if
10 the winning tickets were originally bought in this state shall be allocated to this
11 state. A nonresident limited liability company member's distributive share of
12 limited liability company income shall follow the situs of the business, except that
13 all income that is realized from the sale of or purchase and subsequent sale or
14 redemption of lottery prizes if the winning tickets were originally bought in this state
15 shall be allocated to this state. Income of nonresident individuals, estates and trusts
16 from the state lottery under ch. 565 is taxable by this state. Income of nonresident
17 individuals, estates and trusts from any multijurisdictional lottery under ch. 565 is
18 taxable by this state, but only if the winning lottery ticket or lottery share was
19 purchased from a retailer, as defined in s. 565.01 (6), located in this state or from the
20 department. Income of nonresident individuals, nonresident trusts and nonresident
21 estates from pari-mutuel winnings or purses under ch. 562 is taxable by this state.
22 Income of nonresident individuals, estates and trusts from winnings from a casino
23 or bingo hall that is located in this state and that is operated by a Native American
24 tribe or band shall follow the situs of the casino or bingo hall. Income derived by a
25 nonresident individual from a covenant not to compete is taxable by this state to the

SENATE BILL 40**SECTION 1947**

1 extent that the covenant was based on a Wisconsin-based activity. All other income
2 or loss of nonresident individuals and nonresident estates and trusts, including
3 income or loss derived from land contracts, mortgages, stocks, bonds and securities
4 or from the sale of similar intangible personal property, shall follow the residence of
5 such persons, except as provided in par. (b) and sub. (9), except that all income that
6 is realized from the sale of or purchase and subsequent sale or redemption of lottery
7 prizes if the winning tickets were originally bought in this state shall be allocated
8 to this state.

9 **SECTION 1948.** 71.05 (6) (a) 15. of the statutes is amended to read:

10 71.05 **(6)** (a) 15. The amount of the credits computed under s. 71.07 (2dd), (2de),
11 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3n), (3p), (3s), (3t), (3w), ~~(5b), (5d),~~
12 and (5e), (5f), and (5h), (5i), and (5j) and not passed through by a partnership, limited
13 liability company, or tax-option corporation that has added that amount to the
14 partnership's, company's, or tax-option corporation's income under s. 71.21 (4) or
15 71.34 (1) (g).

16 **SECTION 1949.** 71.05 (6) (a) 21. of the statutes is created to read:

17 71.05 **(6)** (a) 21. Any amount deducted as income attributable to domestic
18 production activities under section 199 of the Internal Revenue Code if the
19 individual claiming the deduction is a nonresident or part-year resident of this state
20 and if the domestic production activities income is not attributable to a trade or
21 business that is taxable by this state.

22 **SECTION 1950.** 71.05 (6) (a) 22. of the statutes is created to read:

23 71.05 **(6)** (a) 22. If an individual is a nonresident or part-year resident of this
24 state and a portion of the amount the individual deducted as income attributable to
25 domestic production activities under section 199 of the Internal Revenue Code is

SENATE BILL 40**SECTION 1950**

1 attributable to a trade or business that is taxable by this state, the amount deducted
2 under section 199 for federal income tax purposes and in excess of that amount,
3 multiplied by a fraction, the numerator of which is the individual's net earnings from
4 the trade or business that is taxable by this state and the denominator of which is
5 the individual's total net earnings from the trade or business to which the deduction
6 under section 199 of the Internal Revenue Code applies.

7 **SECTION 1951.** 71.05 (6) (a) 23. of the statutes is created to read:

8 71.05 (6) (a) 23. Any amount deducted by an individual under section 62 (a) (19)
9 of the Internal Revenue Code related to attorney fees or court costs, involving an
10 unlawful discrimination claim, if the individual is a nonresident or part-year
11 resident of this state and if the judgment or settlement resulting from the claim is
12 not taxable by this state.

13 **SECTION 1952.** 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:

14 71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses and
15 mandatory student fees for a student who is the claimant or who is the claimant's
16 child and the claimant's dependent who is claimed under section 151 (c) of the
17 Internal Revenue Code, to attend any university, college, technical college or a school
18 approved under s. 38.50, that is located in Wisconsin or to attend a public vocational
19 school or public institution of higher education in Minnesota under the
20 Minnesota-Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

21 **SECTION 1953.** 71.05 (6) (b) 28. a. of the statutes is amended to read:

22 71.05 (6) (b) 28. a. An amount equal to one of the following per student for each
23 year to which the claim relates: for taxable years beginning before January 1, 2007,
24 not more than twice the average amount charged by the board of regents of the
25 University of Wisconsin System at 4-year institutions for resident undergraduate

SENATE BILL 40**SECTION 1953**

1 academic fees for the most recent fall semester, as determined by the board of regents
2 by September 1 of that semester, ~~per student for each year to which the claim relates;~~
3 for taxable years beginning after December 31, 2006, \$6,000.

4 **SECTION 1954.** 71.05 (6) (b) 28. h. of the statutes is amended to read:

5 71.05 **(6)** (b) 28. h. No modification may be claimed under this subdivision for
6 an amount paid for tuition expenses and mandatory student fees, as described under
7 this subdivision, if the source of the payment is an amount withdrawn from a college
8 savings account, as described in s. 14.64 or from a college tuition and expenses
9 program, as described in s. 14.63, and if the ~~claimant~~ owner of the account has
10 claimed a deduction under subd. 32. or 33. that relates to such an amount.

11 **SECTION 1955.** 71.05 (6) (b) 39. of the statutes is created to read:

12 71.05 **(6)** (b) 39. For taxable years beginning after December 31, 2007, and
13 before January 1, 2009, an amount paid by an individual who is the employee of
14 another person, if the individual's employer pays a portion of the cost of the
15 individual's medical care insurance, for medical care insurance for the individual, his
16 or her spouse, and the individual's dependents, calculated as follows:

17 a. Ten percent of the amount paid by the individual for medical care insurance.
18 In this subdivision, "medical care insurance" means a medical care insurance policy
19 that covers the individual, his or her spouse, and the individual's dependents and
20 provides surgical, medical, hospital, major medical, or other health service coverage,
21 and includes payments made for medical care benefits under a self-insured plan, but
22 "medical care insurance" does not include hospital indemnity policies or policies with
23 ancillary benefits such as accident benefits or benefits for loss of income resulting
24 from a total or partial inability to work because of illness, sickness, or injury.

SENATE BILL 40**SECTION 1955**

1 b. From the amount calculated under subd. 39. a., subtract the amounts
2 deducted from gross income for medical care insurance in the calculation of federal
3 adjusted gross income.

4 c. For an individual who is a nonresident or part-year resident of this state,
5 multiply the amount calculated under subd. 39. a. or b., by a fraction the numerator
6 of which is the individual's wages, salary, tips, unearned income, and net earnings
7 from a trade or business that are taxable by this state and the denominator of which
8 is the individual's total wages, salary, tips, unearned income, and net earnings from
9 a trade or business. In this subd. 39. c., for married persons filing separately "wages,
10 salary, tips, unearned income, and net earnings from a trade or business" means the
11 separate wages, salary, tips, unearned income, and net earnings from a trade or
12 business of each spouse, and for married persons filing jointly "wages, salary, tips,
13 unearned income, and net earnings from a trade or business" means the total wages,
14 salary, tips, unearned income, and net earnings from a trade or business of both
15 spouses.

16 d. Reduce the amount calculated under subd. 39. a., b., or c. to the individual's
17 aggregate wages, salary, tips, unearned income, and net earnings from a trade or
18 business that are taxable by this state.

19 **SECTION 1956.** 71.05 (6) (b) 40. of the statutes is created to read:

20 71.05 **(6)** (b) 40. For taxable years beginning after December 31, 2008, and
21 before January 1, 2010, an amount paid by an individual who is the employee of
22 another person, if the individual's employer pays a portion of the cost of the
23 individual's medical care insurance, for medical care insurance for the individual, his
24 or her spouse, and the individual's dependents, calculated as follows:

SENATE BILL 40**SECTION 1956**

1 a. Twenty–five percent of the amount paid by the individual for medical care
2 insurance. In this subdivision, “medical care insurance” means a medical care
3 insurance policy that covers the individual, his or her spouse, and the individual’s
4 dependents and provides surgical, medical, hospital, major medical, or other health
5 service coverage, and includes payments made for medical care benefits under a
6 self–insured plan, but “medical care insurance” does not include hospital indemnity
7 policies or policies with ancillary benefits such as accident benefits or benefits for loss
8 of income resulting from a total or partial inability to work because of illness,
9 sickness, or injury.

10 b. From the amount calculated under subd. 40. a., subtract the amounts
11 deducted from gross income for medical care insurance in the calculation of federal
12 adjusted gross income.

13 c. For an individual who is a nonresident or part–year resident of this state,
14 multiply the amount calculated under subd. 40. a. or b., by a fraction the numerator
15 of which is the individual’s wages, salary, tips, unearned income, and net earnings
16 from a trade or business that are taxable by this state and the denominator of which
17 is the individual’s total wages, salary, tips, unearned income, and net earnings from
18 a trade or business. In this subd. 40. c., for married persons filing separately “wages,
19 salary, tips, unearned income, and net earnings from a trade or business” means the
20 separate wages, salary, tips, unearned income, and net earnings from a trade or
21 business of each spouse, and for married persons filing jointly “wages, salary, tips,
22 unearned income, and net earnings from a trade or business” means the total wages,
23 salary, tips, unearned income, and net earnings from a trade or business of both
24 spouses.

SENATE BILL 40**SECTION 1956**

1 d. Reduce the amount calculated under subd. 40. a., b., or c. to the individual's
2 aggregate wages, salary, tips, unearned income, and net earnings from a trade or
3 business that are taxable by this state.

4 **SECTION 1957.** 71.05 (6) (b) 41. of the statutes is created to read:

5 71.05 **(6)** (b) 41. For taxable years beginning after December 31, 2009, and
6 before January 1, 2011, an amount paid by an individual who is the employee of
7 another person, if the individual's employer pays a portion of the cost of the
8 individual's medical care insurance, for medical care insurance for the individual, his
9 or her spouse, and the individual's dependents, calculated as follows:

10 a. Forty-five percent of the amount paid by the individual for medical care
11 insurance. In this subdivision, "medical care insurance" means a medical care
12 insurance policy that covers the individual, his or her spouse, and the individual's
13 dependents and provides surgical, medical, hospital, major medical, or other health
14 service coverage, and includes payments made for medical care benefits under a
15 self-insured plan, but "medical care insurance" does not include hospital indemnity
16 policies or policies with ancillary benefits such as accident benefits or benefits for loss
17 of income resulting from a total or partial inability to work because of illness,
18 sickness, or injury.

19 b. From the amount calculated under subd. 41. a., subtract the amounts
20 deducted from gross income for medical care insurance in the calculation of federal
21 adjusted gross income.

22 c. For an individual who is a nonresident or part-year resident of this state,
23 multiply the amount calculated under subd. 41. a. or b., by a fraction the numerator
24 of which is the individual's wages, salary, tips, unearned income, and net earnings
25 from a trade or business that are taxable by this state and the denominator of which

SENATE BILL 40**SECTION 1957**

1 is the individual's total wages, salary, tips, unearned income, and net earnings from
2 a trade or business. In this subd. 41. c., for married persons filing separately "wages,
3 salary, tips, unearned income, and net earnings from a trade or business" means the
4 separate wages, salary, tips, unearned income, and net earnings from a trade or
5 business of each spouse, and for married persons filing jointly "wages, salary, tips,
6 unearned income, and net earnings from a trade or business" means the total wages,
7 salary, tips, unearned income, and net earnings from a trade or business of both
8 spouses.

9 d. Reduce the amount calculated under subd. 41. a., b., or c. to the individual's
10 aggregate wages, salary, tips, unearned income, and net earnings from a trade or
11 business that are taxable by this state.

12 **SECTION 1958.** 71.05 (6) (b) 42. of the statutes is created to read:

13 71.05 (6) (b) 42. For taxable years beginning after December 31, 2010, an
14 amount paid by an individual who is the employee of another person, if the
15 individual's employer pays a portion of the cost of the individual's medical care
16 insurance, for medical care insurance for the individual, his or her spouse, and the
17 individual's dependents, calculated as follows:

18 a. One hundred percent of the amount paid by the individual for medical care
19 insurance. In this subdivision, "medical care insurance" means a medical care
20 insurance policy that covers the individual, his or her spouse, and the individual's
21 dependents and provides surgical, medical, hospital, major medical, or other health
22 service coverage, and includes payments made for medical care benefits under a
23 self-insured plan, but "medical care insurance" does not include hospital indemnity
24 policies or policies with ancillary benefits such as accident benefits or benefits for loss

SENATE BILL 40**SECTION 1958**

1 of income resulting from a total or partial inability to work because of illness,
2 sickness, or injury.

3 b. From the amount calculated under subd. 42. a., subtract the amounts
4 deducted from gross income for medical care insurance in the calculation of federal
5 adjusted gross income.

6 c. For an individual who is a nonresident or part-year resident of this state,
7 multiply the amount calculated under subd. 42. a. or b., by a fraction the numerator
8 of which is the individual's wages, salary, tips, unearned income, and net earnings
9 from a trade or business that are taxable by this state and the denominator of which
10 is the individual's total wages, salary, tips, unearned income, and net earnings from
11 a trade or business. In this subd. 42. c., for married persons filing separately "wages,
12 salary, tips, unearned income, and net earnings from a trade or business" means the
13 separate wages, salary, tips, unearned income, and net earnings from a trade or
14 business of each spouse, and for married persons filing jointly "wages, salary, tips,
15 unearned income, and net earnings from a trade or business" means the total wages,
16 salary, tips, unearned income, and net earnings from a trade or business of both
17 spouses.

18 d. Reduce the amount calculated under subd. 42. a., b., or c. to the individual's
19 aggregate wages, salary, tips, unearned income, and net earnings from a trade or
20 business that are taxable by this state.

21 **SECTION 1959.** 71.05 (6) (b) 43. of the statutes is created to read:

22 71.05 (6) (b) 43. Subject to subd. 43. e. and f., one of the following allowable
23 amounts, specified in subd. 43. a. to d., of employment-related expenses claimed by
24 the claimant under section 21 of the Internal Revenue Code in the taxable year to
25 which that claim relates:

SENATE BILL 40**SECTION 1959**

- 1 a. For taxable years beginning after December 31, 2007, and before January
2 1, 2009, up to \$750 if the claimant has one qualified individual and up to \$1,500 if
3 the claimant has more than one qualified individual.
- 4 b. For taxable years beginning after December 31, 2008, and before January
5 1, 2010, up to \$1,500 if the claimant has one qualified individual and up to \$3,000
6 if the claimant has more than one qualified individual.
- 7 c. For taxable years beginning after December 31, 2009, and before January
8 1, 2011, up to \$2,250 if the claimant has one qualified individual and up to \$4,500
9 if the claimant has more than one qualified individual.
- 10 d. For taxable years beginning after December 31, 2010, up to \$3,000 if the
11 claimant has one qualified individual and up to \$6,000 if the claimant has more than
12 one qualified individual.
- 13 e. A claimant who claims the subtraction under this subdivision is subject to
14 the special rules in 26 USC 21 (e) (2) and (4).
- 15 f. An individual who is a nonresident or part-year resident of this state and who
16 claims the subtraction under this subdivision shall multiply the amount calculated
17 under subd. 43. a., b., c., or d. by a fraction the numerator of which is the individual's
18 wages, salary, tips, unearned income, and net earnings from a trade or business that
19 are taxable by this state and the denominator of which is the individual's total wages,
20 salary, tips, unearned income, and net earnings from a trade or business. In this
21 subd. 43. f., for married persons filing separately "wages, salary, tips, unearned
22 income, and net earnings from a trade or business" means the separate wages, salary,
23 tips, unearned income, and net earnings from a trade or business of each spouse, and
24 for married persons filing jointly "wages, salary, tips, unearned income, and net

SENATE BILL 40**SECTION 1959**

1 earnings from a trade or business” means the total wages, salary, tips, unearned
2 income, and net earnings from a trade or business of both spouses.

3 **SECTION 1960.** 71.07 (2dj) (am) 4h. of the statutes is amended to read:

4 71.07 **(2dj)** (am) 4h. Modify section 51 (a) of the internal revenue code so that
5 the amount of the credit is 25% of the qualified first-year wages if the wages are paid
6 to an applicant for a Wisconsin ~~works~~ Works employment position for service either
7 in an unsubsidized position or in a ~~trial job~~ position under s. 49.147 (3) or (3m) and
8 so that the amount of the credit is 20% of the qualified first-year wages if the wages
9 are not paid to such an applicant.

10 **SECTION 1961.** 71.07 (2dx) (a) 5. of the statutes is amended to read:

11 71.07 **(2dx)** (a) 5. “Member of a targeted group” means a person who resides
12 in an area designated by the federal government as an economic revitalization area,
13 a person who is employed in an unsubsidized job but meets the eligibility
14 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
15 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,
16 real pay project position under s. 49.147 (3m), a person who is eligible for child care
17 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an
18 economically disadvantaged youth, an economically disadvantaged veteran, a
19 supplemental security income recipient, a general assistance recipient, an
20 economically disadvantaged ex-convict, a qualified summer youth employee, as
21 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or
22 a food stamp recipient, if the person has been certified in the manner under sub. (2dj)
23 (am) 3. by a designated local agency, as defined in sub. (2dj) (am) 2.

24 **SECTION 1962.** 71.07 (2dx) (b) 2. of the statutes is amended to read:

SENATE BILL 40**SECTION 1962**

1 71.07 **(2dx)** (b) 2. The amount determined by multiplying the amount
2 determined under s. 560.785 (1) (b) by the number of full-time jobs created in a
3 development zone and filled by a member of a targeted group and by then subtracting
4 the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid
5 under s. 49.147 (3m) (c) for those jobs.

6 **SECTION 1963.** 71.07 (2dx) (b) 3. of the statutes is amended to read:

7 71.07 **(2dx)** (b) 3. The amount determined by multiplying the amount
8 determined under s. 560.785 (1) (c) by the number of full-time jobs created in a
9 development zone and not filled by a member of a targeted group and by then
10 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and
11 reimbursements paid under s. 49.147 (3m) (c) for those jobs.

12 **SECTION 1964.** 71.07 (2dx) (b) 4. of the statutes is amended to read:

13 71.07 **(2dx)** (b) 4. The amount determined by multiplying the amount
14 determined under s. 560.785 (1) (bm) by the number of full-time jobs retained, as
15 provided in the rules under s. 560.785, excluding jobs for which a credit has been
16 claimed under sub. (2dj), in an enterprise development zone under s. 560.797 and for
17 which significant capital investment was made and by then subtracting the
18 subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid
19 under s. 49.147 (3m) (c) for those jobs.

20 **SECTION 1965.** 71.07 (2dx) (b) 5. of the statutes is amended to read:

21 71.07 **(2dx)** (b) 5. The amount determined by multiplying the amount
22 determined under s. 560.785 (1) (c) by the number of full-time jobs retained, as
23 provided in the rules under s. 560.785, excluding jobs for which a credit has been
24 claimed under sub. (2dj), in a development zone and not filled by a member of a

SENATE BILL 40**SECTION 1965**

1 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or
2 the subsidies and reimbursements paid under s. 49.147 (3m) (c) for those jobs.

3 **SECTION 1966.** 71.07 (3p) of the statutes is created to read:

4 71.07 **(3p)** DAIRY MANUFACTURING FACILITY INVESTMENT CREDIT. (a) *Definitions.*

5 In this subsection:

6 1. “Claimant” means a person who files a claim under this subsection.

7 2. “Dairy manufacturing” means processing milk into dairy products or
8 processing dairy products for sale commercially.

9 3. “Dairy manufacturing modernization or expansion” means constructing,
10 improving, or acquiring buildings or facilities, or acquiring equipment, for dairy
11 manufacturing, including the following, if used exclusively for dairy manufacturing
12 and if acquired and placed in service in this state during taxable years that begin
13 after December 31, 2006, and before January 1, 2015:

14 a. Building construction, including storage and warehouse facilities.

15 b. Building additions.

16 c. Upgrades to utilities, including water, electric, heat, and waste facilities.

17 d. Milk intake and storage equipment.

18 e. Processing and manufacturing equipment, including pipes, motors, pumps,
19 valves, pasteurizers, homogenizers, vats, evaporators, dryers, concentrators, and
20 churns.

21 f. Packaging and handling equipment, including sealing, bagging, boxing,
22 labeling, conveying, and product movement equipment.

23 g. Warehouse equipment, including storage racks.

SENATE BILL 40**SECTION 1966**

1 h. Waste treatment and waste management equipment, including tanks,
2 blowers, separators, dryers, digesters, and equipment that uses waste to produce
3 energy, fuel, or industrial products.

4 i. Computer software and hardware used for managing the claimant's dairy
5 manufacturing operation, including software and hardware related to logistics,
6 inventory management, and production plant controls.

7 4. "Used exclusively" means used to the exclusion of all other uses except for
8 use not exceeding 5 percent of total use.

9 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
10 taxable years beginning after December 31, 2006, and before January 1, 2015, a
11 claimant may claim as a credit against the taxes imposed under s. 71.02, up to the
12 amount of the tax, an amount equal to 10 percent of the amount the claimant paid
13 in the taxable year for dairy manufacturing modernization or expansion related to
14 the claimant's dairy manufacturing operation.

15 (c) *Limitations.* 1. No credit may be allowed under this subsection for any
16 amount that the claimant paid for expenses described under par. (b) that the
17 claimant also claimed as a deduction under section 162 of the Internal Revenue Code.

18 2. The aggregate amount of credits that a claimant may claim under this
19 subsection is \$200,000.

20 3. Partnerships, limited liability companies, and tax-option corporations may
21 not claim the credit under this subsection, but the eligibility for, and the amount of,
22 the credit are based on their payment of expenses under par. (b), except that the
23 aggregate amount of credits that the entity may compute shall not exceed \$200,000.
24 A partnership, limited liability company, or tax-option corporation shall compute
25 the amount of credit that each of its partners, members, or shareholders may claim

SENATE BILL 40**SECTION 1966**

1 and shall provide that information to each of them. Partners, members of limited
2 liability companies, and shareholders of tax-option corporations may claim the
3 credit in proportion to their ownership interest.

4 4. If 2 or more persons own and operate the dairy manufacturing operation,
5 each person may claim a credit under par. (b) in proportion to his or her ownership
6 interest, except that the aggregate amount of the credits claimed by all persons who
7 own and operate the farm shall not exceed \$200,000.

8 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
9 s. 71.28 (4), applies to the credit under this subsection.

10 **SECTION 1967.** 71.07 (3w) (a) 5m. of the statutes is created to read:

11 71.07 (3w) (a) 5m. “Wages” means wages under section 3306 (b) of the Internal
12 Revenue Code, determined without regard to any dollar limitations.

13 **SECTION 1968.** 71.07 (3w) (a) 6. of the statutes is amended to read:

14 71.07 (3w) (a) 6. “Zone payroll” means the amount of state payroll that is
15 attributable to compensation wages paid to individuals full-time employees for
16 services that are performed in ~~a~~ an enterprise zone. “Zone payroll” does not include
17 the amount of compensation wages paid to any individuals full-time employees that
18 exceeds \$100,000.

19 **SECTION 1969.** 71.07 (3w) (b) 1. a. of the statutes is amended to read:

20 71.07 (3w) (b) 1. a. The claimant’s zone payroll in the taxable year, minus the
21 claimant’s zone payroll number of full-time employees whose annual wages are
22 greater than \$30,000 and who the claimant employed in the enterprise zone in the
23 taxable year, minus the number of full-time employees whose annual wages were
24 greater than \$30,000 and who the claimant employed in the area that comprises the
25 enterprise zone in the base year.

SENATE BILL 40**SECTION 1970**

1 **SECTION 1970.** 71.07 (3w) (b) 1. b. of the statutes is amended to read:

2 71.07 (3w) (b) 1. b. The claimant's state payroll in the taxable year, minus the
3 claimant's state payroll number of full-time employees whose annual wages are
4 greater than \$30,000 and who the claimant employed in the state in the taxable year,
5 minus the number of full-time employees whose annual wages were greater than
6 \$30,000 and who the claimant employed in the state in the base year.

7 **SECTION 1971.** 71.07 (3w) (b) 2. of the statutes is amended to read:

8 71.07 (3w) (b) 2. Subtract the number of Determine the claimant's average
9 zone payroll by dividing total wages for full-time employees that whose annual
10 wages are greater than \$30,000 and who the claimant employed in the area that
11 comprises the enterprise zone in the base taxable year from by the number of
12 full-time employees that whose annual wages are greater than \$30,000 and who the
13 claimant employed in the enterprise zone in the taxable year.

14 **SECTION 1972.** 71.07 (3w) (b) 3. of the statutes is amended to read:

15 71.07 (3w) (b) 3. Multiply Subtract \$30,000 from the amount determined under
16 subd. 2., but not an amount less than zero, by \$30,000.

17 **SECTION 1973.** 71.07 (3w) (b) 4. of the statutes is amended to read:

18 71.07 (3w) (b) 4. Subtract Multiply the amount determined under subd. 3. from
19 by the amount determined under subd. 1.

20 **SECTION 1974.** 71.07 (3w) (bm) (intro.) and 4. of the statutes are consolidated,
21 renumbered 71.07 (3w) (bm) and amended to read:

22 71.07 (3w) (bm) *Filing supplemental claims.* In addition to the credit under
23 par. (b) and subject to the limitations provided in this subsection and s. 560.799, a
24 claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 an
25 amount equal to ~~all of the following:~~ 4. ~~The~~ the amount the claimant paid in the

SENATE BILL 40**SECTION 1974**

1 taxable year to upgrade or improve the job-related skills of any of the claimant's
2 full-time employees, to train any of the claimant's full-time employees on the use
3 of job-related new technologies, or to ~~train~~ provide job-related training to any
4 full-time employee whose employment with the claimant represents the employee's
5 first full-time job. This subdivision does not apply to employees who do not work in
6 ~~a~~ an enterprise zone.

7 **SECTION 1975.** 71.07 (3w) (bm) 3. of the statutes is repealed.

8 **SECTION 1976.** 71.07 (3w) (d) of the statutes is amended to read:

9 71.07 (3w) (d) *Administration.* Section 71.28 (4) (g) and (h), as it applies to the
10 credit under s. 71.28 (4), applies to the credit under this subsection. Claimants shall
11 include with their returns a copy of their certification for tax benefits, and a copy of
12 the verification of their expenses, from the department of commerce.

13 **SECTION 1977.** 71.07 (5b) (c) 1. of the statutes is amended to read:

14 71.07 (5b) (c) 1. The Except as provided in s. 73.03 (63), the maximum amount
15 of the credits that may be claimed under this subsection and ss. 71.28 (5b) and 71.47
16 (5b) for all taxable years combined is ~~\$35,000,000~~ \$52,500,000.

17 **SECTION 1978.** 71.07 (5b) (d) of the statutes is renumbered 71.07 (5b) (d) 1.

18 **SECTION 1979.** 71.07 (5b) (d) 2. of the statutes is created to read:

19 71.07 (5b) (d) 2. The Wisconsin adjusted basis of any investment for which a
20 credit is claimed under par. (b) shall be reduced by the amount of the credit that is
21 offset against Wisconsin income taxes. The Wisconsin basis of a partner's interest
22 in a partnership, a member's interest in a limited liability company, or stock in a
23 tax-option corporation shall be adjusted to reflect adjustments made under this
24 subdivision.

25 **SECTION 1980.** 71.07 (5d) (c) 1. of the statutes is amended to read:

SENATE BILL 40**SECTION 1980**

1 71.07 (5d) (c) 1. The Except as provided in s. 73.03 (63), the maximum amount
2 of the credits that may be claimed under this subsection for all taxable years
3 combined is ~~\$30,000,000~~ \$47,500,000.

4 **SECTION 1981.** 71.07 (5d) (c) 2. of the statutes is amended to read:

5 71.07 (5d) (c) 2. The maximum amount of a claimant's investment that may be
6 used as the basis for a credit under this subsection is ~~\$500,000~~ \$2,000,000 for each
7 investment made directly in a business certified under s. 560.205 (1).

8 **SECTION 1982.** 71.07 (5d) (d) 4. of the statutes is created to read:

9 71.07 (5d) (d) 4. The Wisconsin adjusted basis of any investment for which a
10 credit is claimed under par. (b) shall be reduced by the amount of the credit that is
11 offset against Wisconsin income taxes.

12 **SECTION 1983.** 71.07 (5e) (b) of the statutes is amended to read:

13 71.07 (5e) (b) *Filing claims.* Subject to the limitations provided in this
14 subsection and subject to 2005 Wisconsin Act 479, section 17, beginning in the first
15 taxable year following the taxable year in which the claimant claims ~~an exemption~~
16 a deduction under s. ~~77.54 (48)~~ 77.585 (9), a claimant may claim as a credit against
17 the taxes imposed under ss. 71.02 and 71.08, up to the amount of those taxes, in each
18 taxable year for 2 years, the amount certified by the department of commerce that
19 the claimant claimed as ~~an exemption~~ a deduction under s. ~~77.54 (48)~~ 77.585 (9).

20 **SECTION 1984.** 71.07 (5e) (c) 1. of the statutes is amended to read:

21 71.07 (5e) (c) 1. No credit may be allowed under this subsection unless the
22 claimant satisfies the requirements under s. ~~77.54 (48)~~ 77.585 (9).

23 **SECTION 1985.** 71.07 (5e) (c) 3. of the statutes is amended to read:

24 71.07 (5e) (c) 3. The total amount of the credits and ~~exemptions~~ deductions that
25 may be claimed by all claimants under this subsection and ss. 71.28 (5e), 71.47 (5e),

SENATE BILL 40**SECTION 1985**

1 and ~~77.54 (48)~~ 77.585 (9) is \$7,500,000, as determined by the department of
2 commerce.

3 **SECTION 1986.** 71.07 (5h) (a) 4. of the statutes is amended to read:

4 71.07 (5h) (a) 4. “Previously owned property” means real property that the
5 claimant or a related person owned during the 2 years prior to doing business in this
6 state as a film production company and for which the claimant may not deduct a loss
7 from the sale of the property to, or an exchange of the property with, the related
8 person under section 267 of the Internal Revenue Code, except that section 267 of the
9 Internal Revenue Code is modified so that if the claimant owns any part of the
10 property, rather than 50 percent ownership, the claimant is subject to section 267 of
11 the Internal Revenue Code for purposes of this subsection.

12 **SECTION 1987.** 71.07 (5h) (c) 2. of the statutes is amended to read:

13 71.07 (5h) (c) 2. A claimant may claim the credit under par. (b) 2. for an amount
14 expended to construct, rehabilitate, remodel, or repair real property, if the claimant
15 began the physical work of construction, rehabilitation, remodeling, or repair, or any
16 demolition or destruction in preparation for the physical work, after December 31,
17 2007, ~~or if~~ and the completed project is placed in service after December 31, 2007.

18 **SECTION 1988.** 71.07 (5h) (c) 3. of the statutes is amended to read:

19 71.07 (5h) (c) 3. A claimant may claim the credit under par. (b) 2. for an amount
20 expended to acquire real property, if the property is not previously owned property
21 and if the claimant acquires the property after December 31, 2007, ~~or if~~ and the
22 completed project is placed in service after December 31, 2007.

23 **SECTION 1989.** 71.07 (5i) of the statutes is created to read:

24 71.07 (5i) ELECTRONIC MEDICAL RECORDS CREDIT. (a) *Definitions.* In this
25 subsection, “claimant” means a person who files a claim under this subsection.

SENATE BILL 40**SECTION 1989**

1 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
2 taxable years beginning after December 31, 2008, a claimant may claim as a credit
3 against the taxes imposed under s. 71.02 or 71.08, up to the amount of those taxes,
4 an amount equal to 50 percent of the amount the claimant paid in the taxable year
5 for information technology hardware or software that is used to maintain medical
6 records in electronic form, if the claimant is a health care provider, as defined in s.
7 146.81 (1).

8 (c) *Limitations.* 1. The maximum amount of the credits that may be claimed
9 under this subsection and ss. 71.28 (5i) and 71.47 (5i) in a taxable year is
10 \$10,000,000, as allocated under s. 560.204.

11 2. Partnerships, limited liability companies, and tax–option corporations may
12 not claim the credit under this subsection, but the eligibility for, and the amount of,
13 the credit are based on their payment of amounts under par. (b). A partnership,
14 limited liability company, or tax–option corporation shall compute the amount of
15 credit that each of its partners, members, or shareholders may claim and shall
16 provide that information to each of them. Partners, members of limited liability
17 companies, and shareholders of tax–option corporations may claim the credit in
18 proportion to their ownership interests.

19 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
20 s. 71.28 (4), applies to the credit under this subsection.

21 **SECTION 1990.** 71.07 (5j) of the statutes is created to read:

22 71.07 (5j) ETHANOL AND BIODIESEL FUEL PUMP CREDIT. (a) *Definitions.* In this
23 subsection:

24 1. “Biodiesel fuel” has the meaning given in s. 168.14 (2m) (a).

25 2. “Claimant” means a person who files a claim under this subsection.

SENATE BILL 40**SECTION 1990**

1 3. “Motor vehicle fuel” has the meaning given in s. 78.005 (13).

2 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
3 taxable years beginning after December 31, 2007, and before January 1, 2018, a
4 claimant may claim as a credit against the taxes imposed under s. 71.02, up to the
5 amount of the taxes, an amount that is equal to 25 percent of the amount that the
6 claimant paid in the taxable year to install or retrofit pumps located in this state that
7 dispense motor vehicle fuel consisting of at least 85 percent ethanol or at least 20
8 percent biodiesel fuel.

9 (c) *Limitations.* 1. The maximum amount of the credit that a claimant may
10 claim under this subsection in a taxable year is an amount that is equal to \$5,000 per
11 installed or retrofitted pump that is used as the basis for the credit claimed under
12 par. (b).

13 2. Partnerships, limited liability companies, and tax-option corporations may
14 not claim the credit under this subsection, but the eligibility for, and the amount of,
15 the credit are based on their payment of amounts under par. (b). A partnership,
16 limited liability company, or tax-option corporation shall compute the amount of
17 credit that each of its partners, members, or shareholders may claim and shall
18 provide that information to each of them. Partners, members of limited liability
19 companies, and shareholders of tax-option corporations may claim the credit in
20 proportion to their ownership interests.

21 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
22 s. 71.28 (4), applies to the credit under this subsection.

23 **SECTION 1991.** 71.08 (1) (intro.) of the statutes is amended to read:

24 71.08 (1) IMPOSITION. (intro.) If the tax imposed on a natural person, married
25 couple filing jointly, trust, or estate under s. 71.02, not considering the credits under

SENATE BILL 40**SECTION 1991**

1 ss. 71.07 (1), (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx), (2fd), ~~(3e), (3e)~~, (3m),
2 (3n), (3s), (3t), (3w), (5b), (5d), (5e), ~~(5f), (5f)~~, (5i), (6), (6e), and (9e), 71.28 (1dd), (1de),
3 (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m), (3), (3n), (3t), and (3w), and 71.47 (1dd),
4 (1de), (1di), (1dj), (1dL), (1ds), (1dx), (1fd), (2m), (3), (3n), (3t), and (3w), and subchs.
5 VIII and IX and payments to other states under s. 71.07 (7), is less than the tax under
6 this section, there is imposed on that natural person, married couple filing jointly,
7 trust or estate, instead of the tax under s. 71.02, an alternative minimum tax
8 computed as follows:

9 **SECTION 1992.** 71.10 (4) (ep) of the statutes is created to read:

10 71.10 (4) (ep) Dairy manufacturing facility investment credit under s. 71.07
11 (3p).

12 **SECTION 1993.** 71.10 (4) (gc) of the statutes is created to read:

13 71.10 (4) (gc) Ethanol and biodiesel fuel pump credit under s. 71.07 (5j).

14 **SECTION 1994.** 71.10 (4) (gxx) of the statutes is created to read:

15 71.10 (4) (gxx) Electronic medical records credit under s. 71.07 (5i).

16 **SECTION 1995.** 71.10 (5) (g) of the statutes is amended to read:

17 71.10 (5) (g) *Tax return.* The secretary of revenue shall provide a place for the
18 designations under this subsection on the individual income tax return and, on forms
19 printed by the department of revenue, the secretary shall highlight that place on the
20 return by a symbol chosen by the department of revenue that relates to endangered
21 resources.

22 **SECTION 1996.** 71.10 (5e) (g) of the statutes is amended to read:

23 71.10 (5e) (g) *Tax return.* The secretary of revenue shall provide a place for the
24 designations under this subsection on the individual income tax return, and, on
25 forms printed by the department of revenue, the secretary shall highlight that place

SENATE BILL 40**SECTION 1996**

1 on the return by a symbol chosen by the department that relates to a football
2 stadium, as defined in s. 229.821 (6).

3 **SECTION 1997.** 71.21 (4) of the statutes is amended to read:

4 71.21 **(4)** Credits computed by a partnership under s. 71.07 (2dd), (2de), (2di),
5 (2dj), (2dL), (2dm), (2ds), (2dx), (3g), (3n), (3p), (3s), (3t), (3w), ~~(5b)~~, (5e), (5f), (5g), and
6 (5h), (5i), and (5j) and passed through to partners shall be added to the partnership's
7 income.

8 **SECTION 1998.** 71.22 (4) (L) of the statutes is repealed.

9 **SECTION 1999.** 71.22 (4) (m) of the statutes is repealed.

10 **SECTION 2000.** 71.22 (4) (n) of the statutes is amended to read:

11 71.22 **(4)** (n) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
12 (1g) and 71.42 (2), "Internal Revenue Code", for taxable years that begin after
13 December 31, 1998, and before January 1, 2000, means the federal Internal
14 Revenue Code as amended to December 31, 1998, excluding sections 103, 104, and
15 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
16 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188,
17 and as amended by P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding
18 sections 162 and 165 of P.L. 106-554, P.L. 107-16, excluding section 431 of P.L.
19 107-16, P.L. 107-134, P.L. 107-147, excluding sections 101, 301 (a), and 406 of P.L.
20 107-147, P.L. 107-181, P.L. 107-276, P.L. 108-121, excluding section 109 of P.L.
21 108-121, P.L. 108-311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L.
22 108-311, and P.L. 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422,
23 847, 909, and 910 of P.L. 108-357, P.L. 109-7, P.L. 109-135, excluding sections 101,
24 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
25 P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844 of P.L. 109-280, and

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1 as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514,
2 P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2),
3 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L.
4 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
5 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
6 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
7 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
8 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
9 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
10 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
11 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
12 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L.
13 107–181, P.L. 107–276, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L.
14 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and
15 P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and
16 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding sections 101, 105, 201 (a) as
17 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135,
18 and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280. The Internal
19 Revenue Code applies for Wisconsin purposes at the same time as for federal
20 purposes. Amendments to the federal Internal Revenue Code enacted after
21 December 31, 1998, do not apply to this paragraph with respect to taxable years
22 beginning after December 31, 1998, and before January 1, 2000, except that
23 changes to the Internal Revenue Code made by P.L. 106–36, P.L. 106–170, P.L.
24 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
25 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections

SENATE BILL 40**SECTION 2000**

1 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121,
2 excluding section 109 of P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308,
3 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201,
4 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
5 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
6 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
7 811 and 844 of P.L. 109–280, and changes that indirectly affect the provisions
8 applicable to this subchapter made by P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
9 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding
10 section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101, 301
11 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121, excluding
12 section 109 of P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308, 316, 401,
13 and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242,
14 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135,
15 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
16 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
17 of P.L. 109–280, apply for Wisconsin purposes at the same time as for federal
18 purposes.

19 **SECTION 2001.** 71.22 (4) (o) of the statutes is amended to read:

20 71.22 (4) (o) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
21 (1g) and 71.42 (2), “Internal Revenue Code”, for taxable years that begin after
22 December 31, 1999, and before January 1, 2003, means the federal Internal Revenue
23 Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L.
24 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66
25 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as

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1 amended by P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L.
2 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22,
3 P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of
4 P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
5 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
6 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308,
7 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201,
8 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
9 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
10 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
11 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
12 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
13 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
14 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821
15 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L.
16 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
17 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
18 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
19 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
20 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
21 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
22 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
23 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
24 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
25 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.

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1 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
2 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311,
3 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L.
4 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
5 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,
6 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135,
7 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
8 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
9 of P.L. 109–280. The Internal Revenue Code applies for Wisconsin purposes at the
10 same time as for federal purposes. Amendments to the federal Internal Revenue
11 Code enacted after December 31, 1999, do not apply to this paragraph with respect
12 to taxable years beginning after December 31, 1999, and before January 1, 2003,
13 except that changes to the Internal Revenue Code made by P.L. 106–230, P.L.
14 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
15 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
16 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.
17 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
18 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218,
19 P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311,
20 and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909,
21 and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
22 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
23 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
24 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
25 811 and 844 of P.L. 109–280, and changes that indirectly affect the provisions

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1 applicable to this subchapter made by P.L. 106–230, P.L. 106–554, excluding sections
2 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
3 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
4 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
5 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
6 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311,
7 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L.
8 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
9 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,
10 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135,
11 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
12 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
13 of P.L. 109–280, apply for Wisconsin purposes at the same time as for federal
14 purposes.

15 **SECTION 2002.** 71.22 (4) (p) of the statutes is amended to read:

16 71.22 (4) (p) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
17 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after
18 December 31, 2002, and before January 1, 2004, means the federal Internal Revenue
19 Code as amended to December 31, 2002, excluding sections 103, 104, and 110 of P.L.
20 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
21 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519,
22 sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, and
23 ~~section~~ sections 101 and 301 (a) of P.L. 107–147, and as amended by P.L. 108–27,
24 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
25 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.

SENATE BILL 40**SECTION 2002**

1 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
2 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
3 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375, P.L. 109–7, P.L.
4 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
5 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
6 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
7 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
8 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
9 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821
10 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L.
11 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
12 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
13 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
14 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
15 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
16 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
17 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
18 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
19 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding ~~section~~
20 sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276,
21 P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
22 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201
23 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
24 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101,
25 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375,

SENATE BILL 40**SECTION 2002**

1 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
2 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections
3 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405
4 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280.
5 The Internal Revenue Code applies for Wisconsin purposes at the same time as for
6 federal purposes. Amendments to the federal Internal Revenue Code enacted after
7 December 31, 2002, do not apply to this paragraph with respect to taxable years
8 beginning after December 31, 2002, and before January 1, 2004, except that changes
9 to the Internal Revenue Code made by P.L. 108–27, excluding sections 106, 201, and
10 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173,
11 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
12 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
13 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
14 108–357, and P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
15 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
16 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
17 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
18 811 and 844 of P.L. 109–280, and changes that indirectly affect the provisions
19 applicable to this subchapter made by P.L. 108–27, excluding sections 106, 201, and
20 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173,
21 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
22 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
23 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
24 108–357, and P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
25 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.

SENATE BILL 40**SECTION 2002**

1 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
2 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
3 811 and 844 of P.L. 109–280, apply for Wisconsin purposes at the same time as for
4 federal purposes.

5 **SECTION 2003.** 71.22 (4) (q) of the statutes is amended to read:

6 71.22 (4) (q) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
7 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after
8 December 31, 2003, and before January 1, 2005, means the federal Internal Revenue
9 Code as amended to December 31, 2003, excluding sections 103, 104, and 110 of P.L.
10 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
11 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519,
12 sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, section
13 sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27,
14 section 109 of P.L. 108–121, and section 1201 of P.L. 108–173, and as amended by P.L.
15 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
16 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
17 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L.
18 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
19 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
20 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
21 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227,
22 and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as indirectly
23 affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203,
24 P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and
25 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L.

SENATE BILL 40**SECTION 2003**

1 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
2 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
3 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
4 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
5 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
6 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
7 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
8 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
9 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding ~~section~~ sections 101 and
10 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L.
11 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding
12 section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173,
13 P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401,
14 and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244,
15 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L.
16 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
17 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
18 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
19 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227,
20 and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280. The Internal
21 Revenue Code applies for Wisconsin purposes at the same time as for federal
22 purposes. Amendments to the federal Internal Revenue Code enacted after
23 December 31, 2003, do not apply to this paragraph with respect to taxable years
24 beginning after December 31, 2003, and before January 1, 2005, except that changes
25 to the Internal Revenue Code made by P.L. 108–203, P.L. 108–218, P.L. 108–311,

SENATE BILL 40**SECTION 2003**

1 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
2 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
3 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
4 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
5 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
6 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
7 (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811
8 and 844 of P.L. 109–280, and changes that indirectly affect the provisions applicable
9 to this subchapter made by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding
10 sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding
11 sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L.
12 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
13 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
14 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
15 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
16 P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
17 109–280, apply for Wisconsin purposes at the same time as for federal purposes.

18 **SECTION 2004.** 71.22 (4) (r) of the statutes is amended to read:

19 71.22 (4) (r) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
20 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after
21 December 31, 2004, and before January 1, 2006, means the federal Internal Revenue
22 Code as amended to December 31, 2004, excluding sections 103, 104, and 110 of P.L.
23 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
24 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,
25 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section

SENATE BILL 40**SECTION 2004**

1 431 of P.L. 107–16, ~~section~~ sections 101 and 301 (a) of P.L. 107–147, sections 106, 201,
2 and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and
3 403 (a) of P.L. 108–311, and sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909,
4 and 910 of P.L. 108–357, and as amended by P.L. 109–7, P.L. 109–58, excluding
5 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
6 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
7 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
8 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
9 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280,
10 excluding sections 811 and 844 of P.L. 109–280, and as indirectly affected in the
11 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
12 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2)
13 of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L.
14 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and
15 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
16 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
17 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
18 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
19 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
20 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
21 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.
22 107–116, P.L. 107–134, P.L. 107–147, ~~excluding section~~ sections 101 and 301 (a) of
23 P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
24 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
25 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,

SENATE BILL 40**SECTION 2004**

1 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
2 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
3 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
4 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
5 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
6 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
7 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,
8 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding
9 sections 811 and 844 of P.L. 109–280. The Internal Revenue Code applies for
10 Wisconsin purposes at the same time as for federal purposes. Amendments to the
11 federal Internal Revenue Code enacted after December 31, 2004, do not apply to this
12 paragraph with respect to taxable years beginning after December 31, 2004, and
13 before January 1, 2006, except that changes to the Internal Revenue Code made by
14 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
15 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
16 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
17 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
18 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
19 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and
20 changes that indirectly affect the provisions applicable to this subchapter made by
21 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
22 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
23 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
24 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
25 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.

SENATE BILL 40**SECTION 2004**

1 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for
2 Wisconsin purposes at the same time as for federal purposes.

3 **SECTION 2005.** 71.22 (4) (s) of the statutes is created to read:

4 71.22 (4) (s) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
5 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after
6 December 31, 2005, and before January 1, 2007, means the federal Internal Revenue
7 Code as amended to December 31, 2005, excluding sections 103, 104, and 110 of P.L.
8 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
9 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,
10 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
11 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and
12 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403
13 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
14 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
15 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301
16 of P.L. 109–73, and sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
17 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as amendeded by P.L. 109–222,
18 excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and
19 P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as indirectly
20 affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203,
21 P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and
22 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L.
23 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
24 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
25 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.

SENATE BILL 40**SECTION 2005**

1 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
2 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
3 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
4 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
5 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
6 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a)
7 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
8 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
9 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
10 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
11 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
12 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
13 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
14 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
15 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
16 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
17 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
18 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
19 109–280. The Internal Revenue Code applies for Wisconsin purposes at the same
20 time as for federal purposes. Amendments to the federal Internal Revenue Code
21 enacted after December 31, 2005, do not apply to this paragraph with respect to
22 taxable years beginning after December 31, 2005, and before January 1, 2007,
23 except that changes to the Internal Revenue Code made by P.L. 109–222, excluding
24 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L.
25 109–280, excluding sections 811 and 844 of P.L. 109–280, and changes that indirectly

SENATE BILL 40**SECTION 2005**

1 affect the provisions applicable to this subchapter made by P.L. 109–222, excluding
2 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L.
3 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for Wisconsin
4 purposes at the same time as for federal purposes.

5 **SECTION 2006.** 71.22 (4) (t) of the statutes is created to read:

6 71.22 (4) (t) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
7 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after
8 December 31, 2006, means the federal Internal Revenue Code as amended to
9 December 31, 2006, excluding sections 103, 104, and 110 of P.L. 102–227, sections
10 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b),
11 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L.
12 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L.
13 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L.
14 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L.
15 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
16 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
17 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L.
18 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
19 (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of P.L.
20 109–222, sections 811 and 844 of P.L. 109–280, and P.L. 109–432, and as indirectly
21 affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203,
22 P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and
23 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L.
24 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
25 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding

SENATE BILL 40**SECTION 2006**

1 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
2 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
3 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
4 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
5 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
6 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
7 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a)
8 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
9 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
10 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
11 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
12 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
13 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
14 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
15 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
16 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
17 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
18 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
19 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
20 109–280. The Internal Revenue Code applies for Wisconsin purposes at the same
21 time as for federal purposes. Amendments to the federal Internal Revenue Code
22 enacted after December 31, 2006, do not apply to this paragraph with respect to
23 taxable years beginning after December 31, 2006.

24 **SECTION 2007.** 71.22 (4m) (j) of the statutes is repealed.

25 **SECTION 2008.** 71.22 (4m) (k) of the statutes is repealed.

SENATE BILL 40**SECTION 2009**

1 **SECTION 2009.** 71.22 (4m) (L) of the statutes is amended to read:

2 71.22 **(4m)** (L) For taxable years that begin after December 31, 1998, and

3 before January 1, 2000, “Internal Revenue Code”, for corporations that are subject

4 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal

5 Internal Revenue Code as amended to December 31, 1998, excluding sections 103,

6 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203

7 (d) of P.L. 103–66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.

8 104–188, and as amended by P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,

9 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431

10 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406

11 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121, excluding section 109 of

12 P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a)

13 of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,

14 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding

15 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and

16 (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L.

17 109–280, and as indirectly affected in the provisions applicable to this subchapter

18 by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179,

19 P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.

20 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150

21 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.

22 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),

23 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.

24 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.

25 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,

SENATE BILL 40**SECTION 2009**

1 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections
2 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121,
3 excluding section 109 of P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308,
4 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201,
5 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
6 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
7 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
8 811 and 844 of P.L. 109–280. The Internal Revenue Code applies for Wisconsin
9 purposes at the same time as for federal purposes. Amendments to the Internal
10 Revenue Code enacted after December 31, 1998, do not apply to this paragraph with
11 respect to taxable years beginning after December 31, 1998, and before
12 January 1, 2000, except that changes to the Internal Revenue Code made by P.L.
13 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
14 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
15 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.
16 107–276, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–311,
17 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L.
18 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
19 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
20 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and
21 P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280 and changes that
22 indirectly affect the provisions applicable to this subchapter made by P.L. 106–36,
23 P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L.
24 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
25 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.

SENATE BILL 40**SECTION 2009**

1 107–276, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–311,
2 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L.
3 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
4 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
5 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and
6 P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for Wisconsin
7 purposes at the same time as for federal purposes.

8 **SECTION 2010.** 71.22 (4m) (m) of the statutes is amended to read:

9 71.22 **(4m)** (m) For taxable years that begin after December 31, 1999, and
10 before January 1, 2003, “Internal Revenue Code”, for corporations that are subject
11 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
12 Internal Revenue Code as amended to December 31, 1999, excluding sections 103,
13 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
14 (d) of P.L. 103–66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
15 104–188, and as amended by P.L. 106–230, P.L. 106–554, excluding sections 162 and
16 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16,
17 P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101, 301
18 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358,
19 P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121,
20 excluding section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections
21 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding
22 sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L.
23 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
24 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections
25 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405

SENATE BILL 40**SECTION 2010**

1 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,
2 and as indirectly affected in the provisions applicable to this subchapter by P.L.
3 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L.
4 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
5 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
6 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
7 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
8 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
9 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
10 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
11 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
12 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L.
13 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
14 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121,
15 P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
16 of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
17 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding
18 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
19 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
20 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L.
21 109–280, excluding sections 811 and 844 of P.L. 109–280. The Internal Revenue Code
22 applies for Wisconsin purposes at the same time as for federal purposes.
23 Amendments to the Internal Revenue Code enacted after December 31, 1999, do not
24 apply to this paragraph with respect to taxable years beginning after
25 December 31, 1999, and before January 1, 2003, except that changes to the Internal

SENATE BILL 40**SECTION 2010**

1 Revenue Code made by P.L. 106–230, P.L. 106–554, excluding sections 162 and 165
2 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
3 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a),
4 and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L.
5 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding
6 section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307,
7 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101,
8 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
9 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
10 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
11 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
12 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and
13 changes that indirectly affect the provisions applicable to this subchapter made by
14 P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L.
15 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116,
16 P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147,
17 P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding
18 sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L.
19 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
20 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242, 244,
21 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding
22 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
23 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
24 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L.

SENATE BILL 40**SECTION 2010**

1 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for Wisconsin
2 purposes at the same time as for federal purposes.

3 **SECTION 2011.** 71.22 (4m) (n) of the statutes is amended to read:

4 71.22 **(4m)** (n) For taxable years that begin after December 31, 2002, and
5 before January 1, 2004, “Internal Revenue Code,” for corporations that are subject
6 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
7 Internal Revenue Code as amended to December 31, 2002, excluding sections 103,
8 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
9 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
10 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
11 431 of P.L. 107–16, and ~~section~~ sections 101 and 301 (a) of P.L. 107–147, and as
12 amended by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
13 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201
14 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
15 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101,
16 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375,
17 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
18 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections
19 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405
20 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,
21 and as indirectly affected in the provisions applicable to this subchapter by P.L.
22 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L.
23 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
24 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
25 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.

SENATE BILL 40**SECTION 2011**

1 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
2 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
3 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
4 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
5 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
6 107–134, P.L. 107–147, excluding ~~section~~ sections 101 and 301 (a) of P.L. 107–147,
7 P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding
8 sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L.
9 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
10 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L.
11 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
12 909, and 910 of P.L. 108–357, and P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding
13 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
14 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
15 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L.
16 109–280, excluding sections 811 and 844 of P.L. 109–280. The Internal Revenue Code
17 applies for Wisconsin purposes at the same time as for federal purposes.
18 Amendments to the Internal Revenue Code enacted after December 31, 2002, do not
19 apply to this paragraph with respect to taxable years beginning after
20 December 31, 2002, and before January 1, 2004, except that changes to the Internal
21 Revenue Code made by P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
22 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding
23 section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding
24 sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding
25 sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and

SENATE BILL 40**SECTION 2011**

1 P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,
2 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135,
3 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
4 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
5 of P.L. 109–280, and changes that indirectly affect the provisions applicable to this
6 subchapter made by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27,
7 P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section
8 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections
9 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections
10 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L.
11 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323,
12 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding
13 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
14 (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L.
15 109–280, apply for Wisconsin purposes at the same time as for federal purposes.

16 **SECTION 2012.** 71.22 (4m) (o) of the statutes is amended to read:

17 71.22 **(4m)** (o) For taxable years that begin after December 31, 2003, and
18 before January 1, 2005, “Internal Revenue Code,” for corporations that are subject
19 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
20 Internal Revenue Code as amended to December 31, 2003, excluding sections 103,
21 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
22 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
23 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
24 431 of P.L. 107–16, section sections 101 and 301 (a) of P.L. 107–147, sections 106, 201,
25 and 202 of P.L. 108–27, section 109 of P.L. 108–121, and section 1201 of P.L. 108–173,

SENATE BILL 40**SECTION 2012**

1 and as amended by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
2 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101,
3 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375,
4 and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,
5 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73,
6 excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201
7 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
8 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
9 109–280, and as indirectly affected in the provisions applicable to this subchapter
10 by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179,
11 P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
12 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
13 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
14 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
15 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
16 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
17 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
18 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
19 107–134, P.L. 107–147, excluding ~~section~~ sections 101 and 301 (a) of P.L. 107–147,
20 P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding
21 sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L.
22 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
23 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L.
24 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
25 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7, P.L.

SENATE BILL 40**SECTION 2012**

1 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
2 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L.
3 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
4 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L.
5 109–280, excluding sections 811 and 844 of P.L. 109–280. The Internal Revenue Code
6 applies for Wisconsin purposes at the same time as for federal purposes.
7 Amendments to the Internal Revenue Code enacted after December 31, 2003, do not
8 apply to this paragraph with respect to taxable years beginning after
9 December 31, 2003, and before January 1, 2005, except that changes to the Internal
10 Revenue Code made by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections
11 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections
12 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L.
13 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
14 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
15 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
16 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
17 P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
18 109–280, and changes that indirectly affect the provisions applicable to this
19 subchapter made by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections
20 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections
21 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L.
22 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
23 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
24 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
25 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of

SENATE BILL 40**SECTION 2012**

1 P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
2 109–280, apply for Wisconsin purposes at the same time as for federal purposes.

3 **SECTION 2013.** 71.22 (4m) (p) of the statutes is amended to read:

4 71.22 (4m) (p) For taxable years that begin after December 31, 2004, and
5 before January 1, 2006, “Internal Revenue Code,” for corporations that are subject
6 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
7 Internal Revenue Code as amended to December 31, 2004, excluding sections 103,
8 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
9 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
10 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
11 P.L. 106–573, section 431 of P.L. 107–16, ~~section~~ sections 101 and 301 (a) of P.L.
12 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
13 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, and sections 101, 201, 211,
14 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and as amended by P.L.
15 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
16 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
17 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
18 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
19 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
20 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
21 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
22 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
23 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
24 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
25 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.

SENATE BILL 40**SECTION 2013**

1 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
2 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
3 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
4 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
5 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
6 107–147, excluding ~~section~~ sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181,
7 P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201,
8 and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
9 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,
10 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,
11 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476,
12 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
13 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
14 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
15 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
16 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
17 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280. The
18 Internal Revenue Code applies for Wisconsin purposes at the same time as for federal
19 purposes. Amendments to the Internal Revenue Code enacted after December 31,
20 2004, do not apply to this paragraph with respect to taxable years beginning after
21 December 31, 2004, and before January 1, 2006, except that changes to the Internal
22 Revenue Code made by P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309,
23 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73,
24 excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201
25 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.

SENATE BILL 40**SECTION 2013**

1 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and
2 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844
3 of P.L. 109–280, and changes that indirectly affect the provisions applicable to this
4 subchapter made by P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309,
5 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73,
6 excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201
7 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
8 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and
9 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844
10 of P.L. 109–280, apply for Wisconsin purposes at the same time as for federal
11 purposes.

12 **SECTION 2014.** 71.22 (4m) (q) of the statutes is created to read:

13 71.22 **(4m)** (q) For taxable years that begin after December 31, 2005, and
14 before January 1, 2007, “Internal Revenue Code,” for corporations that are subject
15 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
16 Internal Revenue Code as amended to December 31, 2005, excluding sections 103,
17 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
18 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
19 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
20 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
21 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
22 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
23 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,
24 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
25 P.L. 109–59, section 301 of P.L. 109–73, and sections 101, 105, 201 (a) as it relates

SENATE BILL 40**SECTION 2014**

1 to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as
2 amended by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
3 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
4 109–280, and as indirectly affected in the provisions applicable to this subchapter
5 by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179,
6 P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
7 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
8 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
9 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
10 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
11 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
12 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
13 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
14 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L.
15 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
16 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201
17 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
18 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201,
19 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L.
20 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323,
21 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding
22 section 11146 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L.
23 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
24 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding
25 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L.

SENATE BILL 40**SECTION 2014**

1 109–280, excluding sections 811 and 844 of P.L. 109–280. The Internal Revenue Code
2 applies for Wisconsin purposes at the same time as for federal purposes.
3 Amendments to the Internal Revenue Code enacted after December 31, 2005, do not
4 apply to this paragraph with respect to taxable years beginning after
5 December 31, 2005, and before January 1, 2007, except that changes to the Internal
6 Revenue Code made by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and
7 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844
8 of P.L. 109–280, and changes that indirectly affect the provisions applicable to this
9 subchapter made by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513
10 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of
11 P.L. 109–280, apply for Wisconsin purposes at the same time as for federal purposes.

12 **SECTION 2015.** 71.22 (4m) (r) of the statutes is created to read:

13 71.22 **(4m)** (r) For taxable years that begin after December 31, 2006, “Internal
14 Revenue Code,” for corporations that are subject to a tax on unrelated business
15 income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended
16 to December 31, 2006, excluding sections 103, 104, and 110 of P.L. 102–227, sections
17 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b),
18 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L.
19 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L.
20 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L.
21 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L.
22 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
23 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
24 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L.
25 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),

SENATE BILL 40**SECTION 2015**

1 (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of P.L.
2 109–222, sections 811 and 844 of P.L. 109–280, and P.L. 109–432, and as indirectly
3 affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203,
4 P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508,
5 P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
6 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
7 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
8 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
9 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
10 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
11 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
12 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,
13 excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.
14 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
15 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
16 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403
17 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337,
18 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L.
19 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
20 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L.
21 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
22 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
23 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,
24 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding
25 sections 811 and 844 of P.L. 109–280. The Internal Revenue Code applies for

SENATE BILL 40**SECTION 2015**

1 Wisconsin purposes at the same time as for federal purposes. Amendments to the
2 Internal Revenue Code enacted after December 31, 2006, do not apply to this
3 paragraph with respect to taxable years beginning after December 31, 2006.

4 **SECTION 2016.** 71.22 (5m) of the statutes is renumbered 71.22 (5m) (a).

5 **SECTION 2017.** 71.22 (5m) (b) of the statutes is created to read:

6 71.22 **(5m)** (b) Notwithstanding subs. (4) and (4m), section 101 of P.L. 109–222,
7 related to extending the increased expense deduction under section 179 of the
8 Internal Revenue Code, applies to property used in farming that is acquired and
9 placed in service in taxable years beginning on or after January 1, 2008, and used
10 by a person who is actively engaged in farming. For purposes of this paragraph,
11 “actively engaged in farming” has the meaning given in 7 CFR 1400.201, and
12 “farming” has the meaning given in section 464 (e) (1) of the Internal Revenue Code.

13 **SECTION 2018.** 71.24 (7) of the statutes is amended to read:

14 71.24 **(7)** EXTENSIONS. In the case of a corporation required to file a return,
15 ~~when sufficient reason is shown, the department of revenue may on written request~~
16 shall allow an automatic extension of 30 days 7 months or until the original due date
17 of the corporation’s corresponding federal return, whichever is later, ~~if the~~
18 ~~corporation has not received an extension on its federal return.~~ Any extension of time
19 granted by law or by the internal revenue service for the filing of corresponding
20 federal returns shall extend the time for filing under this subchapter to 30 days after
21 the federal due date ~~if a copy of any extension requested of the internal revenue~~
22 ~~service is filed with~~ the corporation reports the extension in the manner specified by
23 the department on the return. ~~Termination of an automatic extension by the internal~~
24 ~~revenue service, or its refusal to grant such automatic extension, shall similarly~~
25 ~~require that any returns due under this subchapter are due on or before 30 days after~~

SENATE BILL 40**SECTION 2018**

1 ~~the date for termination fixed by the internal revenue service.~~ Except for payments
2 of estimated taxes, income or franchise taxes payable upon the filing of the tax return
3 shall not become delinquent during such extension period, but shall be subject to
4 interest at the rate of 12% per year during such period.

5 **SECTION 2019.** 71.26 (1) (am) of the statutes is created to read:

6 71.26 (1) (am) *Veterans service organizations.* Income of a veterans service
7 organization that is chartered under federal law.

8 **SECTION 2020.** 71.26 (1) (b) of the statutes is amended to read:

9 71.26 (1) (b) *Political units.* Income received by the United States, the state
10 and all counties, cities, villages, towns, school districts, technical college districts,
11 joint local water authorities created under s. 66.0823, family long-term care districts
12 under s. 46.2895 or other political units of this state.

13 **SECTION 2021.** 71.26 (1) (be) of the statutes is amended to read:

14 71.26 (1) (be) *Certain authorities.* Income of the University of Wisconsin
15 Hospitals and Clinics Authority, of the Health Insurance Risk-Sharing Plan
16 Authority, of the Healthy Wisconsin Authority. and of the Fox River Navigational
17 System Authority, and of the Wisconsin Aerospace Authority.

18 **SECTION 2022.** 71.26 (2) (a) of the statutes is amended to read:

19 71.26 (2) (a) *Corporations in general.* The “net income” of a corporation means
20 the gross income as computed under the Internal Revenue Code as modified under
21 sub. (3) minus the amount of recapture under s. 71.28 (1di) plus the amount of credit
22 computed under s. 71.28 (1), (3), (4), and (5) minus, as provided under s. 71.28 (3) (c)
23 7., the amount of the credit under s. 71.28 (3) that the taxpayer added to income
24 under this paragraph at the time that the taxpayer first claimed the credit plus the
25 amount of the credit computed under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm),

SENATE BILL 40**SECTION 2022**

1 (1ds), (1dx), (3g), (3n), (3p), (3t), (3w), ~~(5b)~~, (5e), (5f), (5g), ~~and~~ (5h), (5i), and (5j) and
2 not passed through by a partnership, limited liability company, or tax-option
3 corporation that has added that amount to the partnership's, limited liability
4 company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1) (g) plus
5 the amount of losses from the sale or other disposition of assets the gain from which
6 would be wholly exempt income, as defined in sub. (3) (L), if the assets were sold or
7 otherwise disposed of at a gain and minus deductions, as computed under the
8 Internal Revenue Code as modified under sub. (3), plus or minus, as appropriate, an
9 amount equal to the difference between the federal basis and Wisconsin basis of any
10 asset sold, exchanged, abandoned, or otherwise disposed of in a taxable transaction
11 during the taxable year, except as provided in par. (b) and s. 71.45 (2) and (5).

12 **SECTION 2023.** 71.26 (2) (b) 12. of the statutes is repealed.

13 **SECTION 2024.** 71.26 (2) (b) 13. of the statutes is repealed.

14 **SECTION 2025.** 71.26 (2) (b) 14. of the statutes is amended to read:

15 71.26 **(2)** (b) 14. For taxable years that begin after December 31, 1998, and
16 before January 1, 2000, for a corporation, conduit or common law trust which
17 qualifies as a regulated investment company, real estate mortgage investment
18 conduit, real estate investment trust or financial asset securitization investment
19 trust under the Internal Revenue Code as amended to December 31, 1998, excluding
20 sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d),
21 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and
22 1605 (d) of P.L. 104-188, and as amended by P.L. 106-36, P.L. 106-170, P.L. 106-230,
23 P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16, excluding
24 section 431 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections 101, 301
25 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-276, P.L. 108-121, excluding

SENATE BILL 40**SECTION 2025**

1 section 109 of P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308, 316, 401,
2 and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242,
3 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135,
4 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
5 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
6 of P.L. 109–280, and as indirectly affected in the provisions applicable to this
7 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140,
8 P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104,
9 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
10 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
11 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
12 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
13 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
14 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
15 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147,
16 excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–276,
17 P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–311, excluding sections
18 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding
19 sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L.
20 109–7, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S
21 (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding
22 sections 811 and 844 of P.L. 109–280, “net income” means the federal regulated
23 investment company taxable income, federal real estate mortgage investment
24 conduit taxable income, federal real estate investment trust or financial asset
25 securitization investment trust taxable income of the corporation, conduit or trust

SENATE BILL 40**SECTION 2025**

1 as determined under the Internal Revenue Code as amended to December 31, 1998,
2 excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171
3 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311,
4 and 1605 (d) of P.L. 104–188, and as amended by P.L. 106–36, P.L. 106–170, P.L.
5 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
6 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections
7 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121,
8 excluding section 109 of P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308,
9 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201,
10 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
11 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
12 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
13 811 and 844 of P.L. 109–280, and as indirectly affected in the provisions applicable
14 to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
15 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
16 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
17 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
18 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
19 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
20 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
21 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
22 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
23 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.
24 107–276, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–311,
25 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L.

SENATE BILL 40**SECTION 2025**

1 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
2 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
3 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and
4 P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, except that property
5 that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for
6 taxable years 1983 to 1986 under the Internal Revenue Code as amended to
7 December 31, 1980, shall continue to be depreciated under the Internal Revenue
8 Code as amended to December 31, 1980, and except that the appropriate amount
9 shall be added or subtracted to reflect differences between the depreciation or
10 adjusted basis for federal income tax purposes and the depreciation or adjusted basis
11 under this chapter of any property disposed of during the taxable year. The Internal
12 Revenue Code as amended to December 31, 1998, excluding sections 103, 104, and
13 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
14 103–66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188,
15 and as amended by P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding
16 sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431 of P.L.
17 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L.
18 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121, excluding section 109 of P.L.
19 108–121, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L.
20 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422,
21 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding sections 101,
22 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
23 P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and
24 as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514,
25 P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239,

SENATE BILL 40**SECTION 2025**

1 P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
2 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
3 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
4 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
5 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
6 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
7 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding
8 section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101, 301
9 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121, excluding
10 section 109 of P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308, 316, 401,
11 and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242,
12 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135,
13 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
14 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
15 of P.L. 109–280, applies for Wisconsin purposes at the same time as for federal
16 purposes. Amendments to the Internal Revenue Code enacted after December 31,
17 1998, do not apply to this subdivision with respect to taxable years that begin after
18 December 31, 1998, and before January 1, 2000, except that changes to the Internal
19 Revenue Code made by P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
20 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
21 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406
22 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121, excluding section 109 of
23 P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
24 of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
25 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding

SENATE BILL 40**SECTION 2025**

1 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
2 (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L.
3 109–280, and changes that indirectly affect the provisions applicable to this
4 subchapter made by P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
5 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
6 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406
7 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121, excluding section 109 of
8 P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
9 of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
10 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding
11 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
12 (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L.
13 109–280, apply for Wisconsin purposes at the same time as for federal purposes.

14 **SECTION 2026.** 71.26 (2) (b) 15. of the statutes is amended to read:

15 71.26 **(2)** (b) 15. For taxable years that begin after December 31, 1999, and
16 before January 1, 2003, for a corporation, conduit or common law trust which
17 qualifies as a regulated investment company, real estate mortgage investment
18 conduit, real estate investment trust or financial asset securitization investment
19 trust under the Internal Revenue Code as amended to December 31, 1999, excluding
20 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),
21 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and
22 1605 (d) of P.L. 104–188, and as amended by P.L. 106–230, P.L. 106–554, excluding
23 sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431
24 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding
25 sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.

SENATE BILL 40**SECTION 2026**

1 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
2 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218, P.L.
3 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and
4 P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and
5 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309,
6 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
7 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
8 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
9 811 and 844 of P.L. 109–280, and as indirectly affected in the provisions applicable
10 to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
11 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
12 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
13 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
14 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
15 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
16 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
17 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
18 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
19 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a),
20 and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L.
21 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding
22 section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307,
23 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101,
24 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
25 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,

SENATE BILL 40**SECTION 2026**

1 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
2 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
3 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, “net
4 income” means the federal regulated investment company taxable income, federal
5 real estate mortgage investment conduit taxable income, federal real estate
6 investment trust or financial asset securitization investment trust taxable income
7 of the corporation, conduit or trust as determined under the Internal Revenue Code
8 as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L.
9 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66
10 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as
11 amended by P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L.
12 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22,
13 P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of
14 P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
15 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
16 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308,
17 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201,
18 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
19 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
20 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
21 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
22 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
23 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
24 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
25 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.

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1 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
2 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
3 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
4 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
5 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
6 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
7 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
8 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.
9 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
10 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218,
11 P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311,
12 and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909,
13 and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
14 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
15 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
16 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
17 811 and 844 of P.L. 109–280, except that property that, under s. 71.02 (1) (c) 8. to 11.,
18 1985 stats., is required to be depreciated for taxable years 1983 to 1986 under the
19 Internal Revenue Code as amended to December 31, 1980, shall continue to be
20 depreciated under the Internal Revenue Code as amended to December 31, 1980,
21 and except that the appropriate amount shall be added or subtracted to reflect
22 differences between the depreciation or adjusted basis for federal income tax
23 purposes and the depreciation or adjusted basis under this chapter of any property
24 disposed of during the taxable year. The Internal Revenue Code as amended to
25 December 31, 1999, excluding sections 103, 104, and 110 of P.L. 102–227, sections

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1 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, and sections 1123
2 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L.
3 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
4 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
5 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L.
6 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections
7 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121,
8 P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
9 of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
10 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding
11 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
12 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
13 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L.
14 109–280, excluding sections 811 and 844 of P.L. 109–280, and as indirectly affected
15 in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L.
16 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L.
17 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
18 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
19 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
20 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
21 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
22 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
23 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
24 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,
25 excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210,

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1 P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
2 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218, P.L.
3 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and
4 P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and
5 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309,
6 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
7 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
8 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
9 811 and 844 of P.L. 109–280, applies for Wisconsin purposes at the same time as for
10 federal purposes. Amendments to the Internal Revenue Code enacted after
11 December 31, 1999, do not apply to this subdivision with respect to taxable years that
12 begin after December 31, 1999, and before January 1, 2003, except that changes to
13 the Internal Revenue Code made by P.L. 106–230, P.L. 106–554, excluding sections
14 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
15 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
16 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
17 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
18 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311,
19 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L.
20 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
21 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,
22 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135,
23 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
24 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
25 of P.L. 109–280, and changes that indirectly affect the provisions applicable to this

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1 subchapter made by P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
2 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
3 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a),
4 and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L.
5 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding
6 section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307,
7 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101,
8 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
9 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
10 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
11 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
12 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for
13 Wisconsin purposes at the same time as for federal purposes.

14 **SECTION 2027.** 71.26 (2) (b) 16. of the statutes is amended to read:

15 71.26 **(2)** (b) 16. For taxable years that begin after December 31, 2002, and
16 before January 1, 2004, for a corporation, conduit, or common law trust which
17 qualifies as a regulated investment company, real estate mortgage investment
18 conduit, real estate investment trust, or financial asset securitization investment
19 trust under the Internal Revenue Code as amended to December 31, 2002, excluding
20 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),
21 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
22 1605 (d) of P.L. 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L.
23 106–573, section 431 of P.L. 107–16, and ~~section~~ sections 101 and 301 (a) of P.L.
24 107–147, and as amended by P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
25 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding

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1 section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding
2 sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding
3 sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and
4 P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,
5 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135,
6 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
7 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
8 of P.L. 109–280, and as indirectly affected in the provisions applicable to this
9 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140,
10 P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104,
11 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
12 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
13 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
14 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
15 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
16 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
17 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.
18 107–116, P.L. 107–134, P.L. 107–147, excluding section sections 101 and 301 (a) of
19 P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
20 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
21 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
22 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
23 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
24 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375, P.L. 109–7, P.L.
25 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,

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1 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
2 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
3 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, “net
4 income” means the federal regulated investment company taxable income, federal
5 real estate mortgage investment conduit taxable income, federal real estate
6 investment trust or financial asset securitization investment trust taxable income
7 of the corporation, conduit, or trust as determined under the Internal Revenue Code
8 as amended to December 31, 2002, excluding sections 103, 104, and 110 of P.L.
9 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
10 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519,
11 sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, and
12 section sections 101 and 301 (a) of P.L. 107–147, and as amended by P.L. 108–27,
13 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
14 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
15 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
16 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
17 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375, P.L. 109–7, P.L.
18 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
19 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
20 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
21 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
22 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
23 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
24 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
25 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),

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1 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
2 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
3 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
4 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
5 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
6 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
7 107–147, excluding ~~section~~ sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181,
8 P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201,
9 and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L.
10 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L.
11 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L.
12 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
13 of P.L. 108–357, and P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305,
14 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
15 P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a),
16 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding
17 sections 811 and 844 of P.L. 109–280, except that property that, under s. 71.02 (1) (c)
18 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983 to 1986
19 under the Internal Revenue Code as amended to December 31, 1980, shall continue
20 to be depreciated under the Internal Revenue Code as amended to
21 December 31, 1980, and except that the appropriate amount shall be added or
22 subtracted to reflect differences between the depreciation or adjusted basis for
23 federal income tax purposes and the depreciation or adjusted basis under this
24 chapter of any property disposed of during the taxable year. The Internal Revenue
25 Code as amended to December 31, 2002, excluding sections 103, 104, and 110 of P.L.

SENATE BILL 40**SECTION 2027**

1 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
2 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519,
3 sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, and
4 ~~section~~ sections 101 and 301 (a) of P.L. 107–147, and as amendeded by P.L. 108–27,
5 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
6 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
7 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
8 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
9 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375, P.L. 109–7, P.L.
10 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
11 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
12 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
13 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
14 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
15 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
16 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
17 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
18 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
19 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
20 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
21 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
22 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
23 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
24 107–147, excluding ~~section~~ sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181,
25 P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201,

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1 and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L.
2 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L.
3 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L.
4 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
5 of P.L. 108–357, and P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305,
6 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
7 P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a),
8 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding
9 sections 811 and 844 of P.L. 109–280, applies for Wisconsin purposes at the same time
10 as for federal purposes. Amendments to the Internal Revenue Code enacted after
11 December 31, 2002, do not apply to this subdivision with respect to taxable years that
12 begin after December 31, 2002, and before January 1, 2004, except that changes to
13 the Internal Revenue Code made by P.L. 108–27, excluding sections 106, 201, and
14 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173,
15 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
16 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
17 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
18 108–357, and P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
19 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
20 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
21 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
22 811 and 844 of P.L. 109–280, and changes that indirectly affect the provisions
23 applicable to this subchapter made by P.L. 108–27, excluding sections 106, 201, and
24 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173,
25 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,

SENATE BILL 40**SECTION 2027**

1 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
2 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
3 108–357, and P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
4 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
5 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
6 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
7 811 and 844 of P.L. 109–280, apply for Wisconsin purposes at the same time as for
8 federal purposes.

9 **SECTION 2028.** 71.26 (2) (b) 17. of the statutes is amended to read:

10 71.26 (2) (b) 17. For taxable years that begin after December 31, 2003, and
11 before January 1, 2005, for a corporation, conduit, or common law trust which
12 qualifies as a regulated investment company, real estate mortgage investment
13 conduit, real estate investment trust, or financial asset securitization investment
14 trust under the Internal Revenue Code as amended to December 31, 2003, excluding
15 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),
16 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
17 1605 (d) of P.L. 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L.
18 106–573, section 431 of P.L. 107–16, section sections 101 and 301 (a) of P.L. 107–147,
19 sections 106, 201, and 202 of P.L. 108–27, section 109 of P.L. 108–121, and section
20 1201 of P.L. 108–173, and as amended by P.L. 108–203, P.L. 108–218, P.L. 108–311,
21 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
22 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
23 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
24 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
25 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding

SENATE BILL 40**SECTION 2028**

1 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
2 (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811
3 and 844 of P.L. 109–280, and as indirectly affected in the provisions applicable to this
4 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140,
5 P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104,
6 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
7 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
8 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
9 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
10 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
11 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
12 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.
13 107–116, P.L. 107–134, P.L. 107–147, excluding section sections 101 and 301 (a) of
14 P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
15 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
16 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
17 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
18 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
19 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L.
20 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
21 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
22 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
23 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227,
24 and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, “net income”
25 means the federal regulated investment company taxable income, federal real estate

SENATE BILL 40**SECTION 202B**

1 mortgage investment conduit taxable income, federal real estate investment trust
2 or financial asset securitization investment trust taxable income of the corporation,
3 conduit, or trust as determined under the Internal Revenue Code as amended to
4 December 31, 2003, excluding sections 103, 104, and 110 of P.L. 102–227, sections
5 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b),
6 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519, sections 162 and
7 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, ~~section~~ sections 101 and
8 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 109 of P.L.
9 108–121, and section 1201 of P.L. 108–173, and as amended by P.L. 108–203, P.L.
10 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L.
11 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
12 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7, P.L.
13 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
14 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L.
15 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
16 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L.
17 109–280, excluding sections 811 and 844 of P.L. 109–280, and as indirectly affected
18 in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L.
19 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L.
20 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
21 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
22 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
23 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
24 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
25 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,

SENATE BILL 40**SECTION 2028**

1 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
2 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,
3 excluding ~~section~~ sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.
4 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
5 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173,
6 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
7 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
8 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
9 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
10 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
11 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
12 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
13 (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811
14 and 844 of P.L. 109–280, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985
15 stats., is required to be depreciated for taxable years 1983 to 1986 under the Internal
16 Revenue Code as amended to December 31, 1980, shall continue to be depreciated
17 under the Internal Revenue Code as amended to December 31, 1980, and except that
18 the appropriate amount shall be added or subtracted to reflect differences between
19 the depreciation or adjusted basis for federal income tax purposes and the
20 depreciation or adjusted basis under this chapter of any property disposed of during
21 the taxable year. The Internal Revenue Code as amended to December 31, 2003,
22 excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171
23 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
24 1605 (d) of P.L. 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L.
25 106–573, section 431 of P.L. 107–16, ~~section~~ sections 101 and 301 (a) of P.L. 107–147,

SENATE BILL 40**SECTION 2028**

1 sections 106, 201, and 202 of P.L. 108–27, section 109 of P.L. 108–121, and section
2 1201 of P.L. 108–173, and as amended by P.L. 108–203, P.L. 108–218, P.L. 108–311,
3 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
4 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
5 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
6 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
7 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
8 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
9 (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811
10 and 844 of P.L. 109–280, and as indirectly affected in the provisions applicable to this
11 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140,
12 P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104,
13 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
14 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
15 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
16 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
17 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
18 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
19 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.
20 107–116, P.L. 107–134, P.L. 107–147, excluding section sections 101 and 301 (a) of
21 P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
22 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
23 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
24 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
25 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,

SENATE BILL 40**SECTION 2028**

1 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L.
2 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
3 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
4 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
5 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227,
6 and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, applies for
7 Wisconsin purposes at the same time as for federal purposes. Amendments to the
8 Internal Revenue Code enacted after December 31, 2003, do not apply to this
9 subdivision with respect to taxable years that begin after December 31, 2003, and
10 before January 1, 2005, except that changes to the Internal Revenue Code made by
11 P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401,
12 and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244,
13 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L.
14 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
15 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
16 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
17 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227,
18 and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and changes that
19 indirectly affect the provisions applicable to this subchapter made by P.L. 108–203,
20 P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
21 of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337,
22 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7,
23 P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
24 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L.
25 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section

SENATE BILL 40**SECTION 2028**

1 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L.
2 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for Wisconsin
3 purposes at the same time as for federal purposes.

4 **SECTION 2029.** 71.26 (2) (b) 18. of the statutes is amended to read:

5 71.26 **(2)** (b) 18. For taxable years that begin after December 31, 2004, and
6 before January 1, 2006, for a corporation, conduit, or common law trust which
7 qualifies as a regulated investment company, real estate mortgage investment
8 conduit, real estate investment trust, or financial asset securitization investment
9 trust under the Internal Revenue Code as amended to December 31, 2004, excluding
10 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),
11 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
12 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165
13 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, ~~section~~ sections 101 and 301
14 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L.
15 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, and sections 101,
16 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and as amended
17 by P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324,
18 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section
19 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
20 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
21 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
22 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
23 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
24 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
25 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.

SENATE BILL 40**SECTION 2029**

1 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
2 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
3 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
4 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
5 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
6 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
7 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
8 107–147, excluding ~~section~~ sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181,
9 P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201,
10 and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
11 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,
12 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,
13 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476,
14 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
15 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
16 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
17 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
18 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
19 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, “net
20 income” means the federal regulated investment company taxable income, federal
21 real estate mortgage investment conduit taxable income, federal real estate
22 investment trust or financial asset securitization investment trust taxable income
23 of the corporation, conduit, or trust as determined under the Internal Revenue Code
24 as amended to December 31, 2004, excluding sections 103, 104, and 110 of P.L.
25 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,

SENATE BILL 40**SECTION 2029**

1 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,
2 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
3 431 of P.L. 107–16, ~~section~~ sections 101 and 301 (a) of P.L. 107–147, sections 106, 201,
4 and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and
5 403 (a) of P.L. 108–311, and sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909,
6 and 910 of P.L. 108–357, and as amended by P.L. 109–7, P.L. 109–58, excluding
7 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
8 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
9 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
10 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
11 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280,
12 excluding sections 811 and 844 of P.L. 109–280, and as indirectly affected in the
13 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
14 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
15 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
16 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
17 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
18 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
19 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
20 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
21 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
22 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, ~~excluding section~~
23 sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276,
24 P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
25 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.

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1 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
2 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
3 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7, P.L.
4 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
5 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L.
6 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
7 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.
8 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
9 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, except
10 that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be
11 depreciated for taxable years 1983 to 1986 under the Internal Revenue Code as
12 amended to December 31, 1980, shall continue to be depreciated under the Internal
13 Revenue Code as amended to December 31, 1980, and except that the appropriate
14 amount shall be added or subtracted to reflect differences between the depreciation
15 or adjusted basis for federal income tax purposes and the depreciation or adjusted
16 basis under this chapter of any property disposed of during the taxable year. The
17 Internal Revenue Code as amended to December 31, 2004, excluding sections 103,
18 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
19 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
20 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
21 P.L. 106–573, section 431 of P.L. 107–16, ~~section~~ sections 101 and 301 (a) of P.L.
22 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
23 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, and sections 101, 201, 211,
24 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and as amended by P.L.
25 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,

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1 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
2 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
3 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
4 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
5 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
6 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
7 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
8 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
9 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
10 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
11 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
12 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
13 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
14 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
15 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
16 107–147, excluding ~~section~~ sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181,
17 P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201,
18 and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
19 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,
20 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,
21 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476,
22 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
23 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
24 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
25 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,

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1 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
2 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, applies
3 for Wisconsin purposes at the same time as for federal purposes. Amendments to the
4 Internal Revenue Code enacted after December 31, 2004, do not apply to this
5 subdivision with respect to taxable years that begin after December 31, 2004, and
6 before January 1, 2006, except that changes to the Internal Revenue Code made by
7 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
8 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
9 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
10 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
11 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
12 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and
13 changes that indirectly affect the provisions applicable to this subchapter made by
14 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
15 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
16 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
17 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
18 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
19 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for
20 Wisconsin purposes at the same time as for federal purposes.

21 **SECTION 2030.** 71.26 (2) (b) 19. of the statutes is created to read:

22 71.26 (2) (b) 19. For taxable years that begin after December 31, 2005, and
23 before January 1, 2007, for a corporation, conduit, or common law trust which
24 qualifies as a regulated investment company, real estate mortgage investment
25 conduit, real estate investment trust, or financial asset securitization investment

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1 trust under the Internal Revenue Code as amended to December 31, 2005, excluding
2 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),
3 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
4 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165
5 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of
6 P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
7 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242,
8 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308,
9 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
10 section 11146 of P.L. 109–59, section 301 of P.L. 109–73, and sections 101, 105, 201
11 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
12 109–135, and as amendeded by P.L. 109–222, excluding sections 101, 207, 209, 503,
13 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811
14 and 844 of P.L. 109–280, and as indirectly affected in the provisions applicable to this
15 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140,
16 P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104,
17 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
18 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
19 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
20 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
21 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
22 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
23 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.
24 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L.
25 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,

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1 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
2 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
3 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
4 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
5 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
6 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
7 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
8 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
9 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
10 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
11 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
12 109–280, “net income” means the federal regulated investment company taxable
13 income, federal real estate mortgage investment conduit taxable income, federal real
14 estate investment trust or financial asset securitization investment trust taxable
15 income of the corporation, conduit, or trust as determined under the Internal
16 Revenue Code as amended to December 31, 2005, excluding sections 103, 104, and
17 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
18 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188,
19 sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L.
20 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections
21 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316,
22 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
23 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324,
24 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59,
25 section 301 of P.L. 109–73, and sections 101, 105, 201 (a) as it relates to section 1400S

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1 (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as amended by P.L.
2 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
3 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
4 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
5 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
6 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
7 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
8 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
9 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
10 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
11 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
12 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
13 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
14 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.
15 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
16 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
17 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,
18 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,
19 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L.
20 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
21 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146
22 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
23 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
24 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
25 101, 207, 209, 503, 512, and 513 of P.L. 109–222, 109–227, P.L. 109–227, and P.L.

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1 109–280, excluding sections 811 and 844 of P.L. 109–280, except that property that,
2 under s. 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable
3 years 1983 to 1986 under the Internal Revenue Code as amended to
4 December 31, 1980, shall continue to be depreciated under the Internal Revenue
5 Code as amended to December 31, 1980, and except that the appropriate amount
6 shall be added or subtracted to reflect differences between the depreciation or
7 adjusted basis for federal income tax purposes and the depreciation or adjusted basis
8 under this chapter of any property disposed of during the taxable year. The Internal
9 Revenue Code as amended to December 31, 2005, excluding sections 103, 104, and
10 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
11 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188,
12 sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L.
13 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections
14 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316,
15 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
16 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324,
17 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59,
18 section 301 of P.L. 109–73, and sections 101, 105, 201 (a) as it relates to section 1400S
19 (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as amendeded by P.L.
20 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
21 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
22 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
23 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
24 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
25 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),

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1 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
2 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
3 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
4 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
5 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
6 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
7 107–147, excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.
8 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
9 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
10 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316,
11 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242,
12 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L.
13 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
14 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146
15 of P.L. 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
16 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
17 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
18 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280,
19 excluding sections 811 and 844 of P.L. 109–280, applies for Wisconsin purposes at the
20 same time as for federal purposes. Amendments to the Internal Revenue Code
21 enacted after December 31, 2005, do not apply to this subdivision with respect to
22 taxable years that begin after December 31, 2005, and before January 1, 2007,
23 except that changes to the Internal Revenue Code made by P.L. 109–222, excluding
24 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L.
25 109–280, excluding sections 811 and 844 of P.L. 109–280, and changes that indirectly

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1 affect the provisions applicable to this subchapter made by P.L. 109–222, excluding
2 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L.
3 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for Wisconsin
4 purposes at the same time as for federal purposes.

5 **SECTION 2031.** 71.26 (2) (b) 20. of the statutes is created to read:

6 71.26 (2) (b) 20. For taxable years that begin after December 31, 2006, for a
7 corporation, conduit, or common law trust which qualifies as a regulated investment
8 company, real estate mortgage investment conduit, real estate investment trust, or
9 financial asset securitization investment trust under the Internal Revenue Code as
10 amended to December 31, 2006, excluding sections 103, 104, and 110 of P.L. 102–227,
11 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections
12 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and
13 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of
14 P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of
15 P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of
16 P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
17 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
18 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L.
19 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
20 (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of P.L.
21 109–222, sections 811 and 844 of P.L. 109–280, and P.L. 109–432, and as indirectly
22 affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203,
23 P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508,
24 P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
25 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and

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1 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
2 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
3 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
4 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
5 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
6 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,
7 excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.
8 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
9 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
10 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403
11 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337,
12 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L.
13 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
14 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L.
15 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
16 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
17 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,
18 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding
19 sections 811 and 844 of P.L. 109–280, “net income” means the federal regulated
20 investment company taxable income, federal real estate mortgage investment
21 conduit taxable income, federal real estate investment trust or financial asset
22 securitization investment trust taxable income of the corporation, conduit, or trust
23 as determined under the Internal Revenue Code as amended to December 31, 2006,
24 excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171
25 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and

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1 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165
2 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of
3 P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
4 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242,
5 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308,
6 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
7 section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as
8 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135,
9 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L.
10 109–280, and P.L. 109–432, and as indirectly affected in the provisions applicable to
11 this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
12 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
13 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
14 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
15 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
16 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
17 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
18 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
19 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
20 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a)
21 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
22 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
23 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
24 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
25 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.

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1 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
2 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
3 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
4 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
5 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
6 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
7 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
8 109–280, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is
9 required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue
10 Code as amended to December 31, 1980, shall continue to be depreciated under the
11 Internal Revenue Code as amended to December 31, 1980, and except that the
12 appropriate amount shall be added or subtracted to reflect differences between the
13 depreciation or adjusted basis for federal income tax purposes and the depreciation
14 or adjusted basis under this chapter of any property disposed of during the taxable
15 year. The Internal Revenue Code as amended to December 31, 2006, excluding
16 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),
17 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and
18 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165
19 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of
20 P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
21 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242,
22 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308,
23 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58,
24 section 11146 of P.L. 109–59, section 301 of P.L. 109–73, sections 101, 105, 201 (a) as
25 it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135,

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1 sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, sections 811 and 844 of P.L.
2 109–280, and P.L. 109–432, and as indirectly affected in the provisions applicable to
3 this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
4 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
5 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
6 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
7 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
8 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
9 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
10 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
11 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
12 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a)
13 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
14 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
15 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
16 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
17 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
18 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
19 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
20 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
21 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
22 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
23 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
24 109–222, 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,
25 applies for Wisconsin purposes at the same time as for federal purposes.

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1 Amendments to the Internal Revenue Code enacted after December 31, 2006, do not
2 apply to this subdivision with respect to taxable years that begin after
3 December 31, 2006.

4 **SECTION 2032.** 71.26 (3) (s) of the statutes is amended to read:

5 71.26 (3) (s) Sections 951 to 964 (relating to controlled foreign corporations) are
6 excluded, and, for taxable years beginning on or after January 1, 2006, sections 951
7 to 965 (relating to controlled foreign corporations) are excluded.

8 **SECTION 2033.** 71.28 (1dj) (am) 4h. of the statutes is amended to read:

9 71.28 (1dj) (am) 4h. Modify section 51 (a) of the internal revenue code so that
10 the amount of the credit is 25% of the qualified first-year wages if the wages are paid
11 to an applicant for a Wisconsin ~~wor~~ks Works employment position for service either
12 in an unsubsidized position or in a trial job position under s. 49.147 (3) or (3m) and
13 so that the amount of the credit is 20% of the qualified first-year wages if the wages
14 are not paid to such an applicant.

15 **SECTION 2034.** 71.28 (1dx) (a) 5. of the statutes is amended to read:

16 71.28 (1dx) (a) 5. “Member of a targeted group” means a person who resides
17 in an area designated by the federal government as an economic revitalization area,
18 a person who is employed in an unsubsidized job but meets the eligibility
19 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
20 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,
21 real pay project position under s. 49.147 (3m), a person who is eligible for child care
22 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an
23 economically disadvantaged youth, an economically disadvantaged veteran, a
24 supplemental security income recipient, a general assistance recipient, an
25 economically disadvantaged ex-convict, a qualified summer youth employee, as

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1 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or
2 a food stamp recipient, if the person has been certified in the manner under sub. (1dj)
3 (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

4 **SECTION 2035.** 71.28 (1dx) (b) 2. of the statutes is amended to read:

5 71.28 (1dx) (b) 2. The amount determined by multiplying the amount
6 determined under s. 560.785 (1) (b) by the number of full-time jobs created in a
7 development zone and filled by a member of a targeted group and by then subtracting
8 the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid
9 under s. 49.147 (3m) (c) for those jobs.

10 **SECTION 2036.** 71.28 (1dx) (b) 3. of the statutes is amended to read:

11 71.28 (1dx) (b) 3. The amount determined by multiplying the amount
12 determined under s. 560.785 (1) (c) by the number of full-time jobs created in a
13 development zone and not filled by a member of a targeted group and by then
14 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and
15 reimbursements paid under s. 49.147 (3m) (c) for those jobs.

16 **SECTION 2037.** 71.28 (1dx) (b) 4. of the statutes is amended to read:

17 71.28 (1dx) (b) 4. The amount determined by multiplying the amount
18 determined under s. 560.785 (1) (bm) by the number of full-time jobs retained, as
19 provided in the rules under s. 560.785, excluding jobs for which a credit has been
20 claimed under sub. (1dj), in an enterprise development zone under s. 560.797 and for
21 which significant capital investment was made and by then subtracting the
22 subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid
23 under s. 49.147 (3m) (c) for those jobs.

24 **SECTION 2038.** 71.28 (1dx) (b) 5. of the statutes is amended to read:

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1 71.28 **(1dx)** (b) 5. The amount determined by multiplying the amount
2 determined under s. 560.785 (1) (c) by the number of full-time jobs retained, as
3 provided in the rules under s. 560.785, excluding jobs for which a credit has been
4 claimed under sub. (1dj), in a development zone and not filled by a member of a
5 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or
6 the subsidies and reimbursements paid under s. 49.147 (3m) (c) for those jobs.

7 **SECTION 2039.** 71.28 (3p) of the statutes is created to read:

8 71.28 **(3p)** DAIRY MANUFACTURING FACILITY INVESTMENT CREDIT. (a) *Definitions.*

9 In this subsection:

10 1. “Claimant” means a person who files a claim under this subsection.

11 2. “Dairy manufacturing” means processing milk into dairy products or
12 processing dairy products for sale commercially.

13 3. “Dairy manufacturing modernization or expansion” means constructing,
14 improving, or acquiring buildings or facilities, or acquiring equipment, for dairy
15 manufacturing, including the following, if used exclusively for dairy manufacturing
16 and if acquired and placed in service in this state during taxable years that begin
17 after December 31, 2006, and before January 1, 2015:

18 a. Building construction, including storage and warehouse facilities.

19 b. Building additions.

20 c. Upgrades to utilities, including water, electric, heat, and waste facilities.

21 d. Milk intake and storage equipment.

22 e. Processing and manufacturing equipment, including pipes, motors, pumps,
23 valves, pasteurizers, homogenizers, vats, evaporators, dryers, concentrators, and
24 churns.

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1 f. Packaging and handling equipment, including sealing, bagging, boxing,
2 labeling, conveying, and product movement equipment.

3 g. Warehouse equipment, including storage racks.

4 h. Waste treatment and waste management equipment, including tanks,
5 blowers, separators, dryers, digesters, and equipment that uses waste to produce
6 energy, fuel, or industrial products.

7 i. Computer software and hardware used for managing the claimant's dairy
8 manufacturing operation, including software and hardware related to logistics,
9 inventory management, and production plant controls.

10 4. "Used exclusively" means used to the exclusion of all other uses except for
11 use not exceeding 5 percent of total use.

12 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
13 taxable years beginning after December 31, 2006, and before January 1, 2015, a
14 claimant may claim as a credit against the taxes imposed under s. 71.23, up to the
15 amount of the tax, an amount equal to 10 percent of the amount the claimant paid
16 in the taxable year for dairy manufacturing modernization or expansion related to
17 the claimant's dairy manufacturing operation.

18 (c) *Limitations.* 1. No credit may be allowed under this subsection for any
19 amount that the claimant paid for expenses described under par. (b) that the
20 claimant also claimed as a deduction under section 162 of the Internal Revenue Code.

21 2. The aggregate amount of credits that a claimant may claim under this
22 subsection is \$200,000.

23 3. Partnerships, limited liability companies, and tax-option corporations may
24 not claim the credit under this subsection, but the eligibility for, and the amount of,
25 the credit are based on their payment of expenses under par. (b), except that the

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1 aggregate amount of credits that the entity may compute shall not exceed \$200,000.
2 A partnership, limited liability company, or tax-option corporation shall compute
3 the amount of credit that each of its partners, members, or shareholders may claim
4 and shall provide that information to each of them. Partners, members of limited
5 liability companies, and shareholders of tax-option corporations may claim the
6 credit in proportion to their ownership interest.

7 4. If 2 or more persons own and operate the dairy manufacturing operation,
8 each person may claim a credit under par. (b) in proportion to his or her ownership
9 interest, except that the aggregate amount of the credits claimed by all persons who
10 own and operate the farm shall not exceed \$200,000.

11 (d) *Administration.* Subsection (4) (e) to (h), as it applies to the credit under
12 sub. (4), applies to the credit under this subsection.

13 **SECTION 2040.** 71.28 (3w) (a) 5m. of the statutes is created to read:

14 71.28 (3w) (a) 5m. “Wages” means wages under section 3306 (b) of the Internal
15 Revenue Code, determined without regard to any dollar limitations.

16 **SECTION 2041.** 71.28 (3w) (a) 6. of the statutes is amended to read:

17 71.28 (3w) (a) 6. “Zone payroll” means the amount of state payroll that is
18 attributable to compensation wages paid to individuals full-time employees for
19 services that are performed in ~~a~~ an enterprise zone. “Zone payroll” does not include
20 the amount of compensation wages paid to any individuals full-time employees that
21 exceeds \$100,000.

22 **SECTION 2042.** 71.28 (3w) (b) 1. a. of the statutes is amended to read:

23 71.28 (3w) (b) 1. a. The claimant’s zone payroll in the taxable year, minus the
24 claimant’s zone payroll number of full-time employees whose annual wages are
25 greater than \$30,000 and who the claimant employed in the enterprise zone in the

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1 taxable year, minus the number of full-time employees whose annual wages were
2 greater than \$30,000 and who the claimant employed in the area that comprises the
3 enterprise zone in the base year.

4 **SECTION 2043.** 71.28 (3w) (b) 1. b. of the statutes is amended to read:

5 71.28 (3w) (b) 1. b. The claimant's state payroll in the taxable year, minus the
6 claimant's state payroll number of full-time employees whose annual wages are
7 greater than \$30,000 and who the claimant employed in the state in the taxable year,
8 minus the number of full-time employees whose annual wages were greater than
9 \$30,000 and who the claimant employed in the state in the base year.

10 **SECTION 2044.** 71.28 (3w) (b) 2. of the statutes is amended to read:

11 71.28 (3w) (b) 2. Subtract the number of Determine the claimant's average
12 zone payroll by dividing total wages for full-time employees that whose annual
13 wages are greater than \$30,000 and who the claimant employed in the area that
14 comprises the enterprise zone in the base taxable year from by the number of
15 full-time employees that whose annual wages are greater than \$30,000 and who the
16 claimant employed in the enterprise zone in the taxable year.

17 **SECTION 2045.** 71.28 (3w) (b) 3. of the statutes is amended to read:

18 71.28 (3w) (b) 3. Multiply Subtract \$30,000 from the amount determined under
19 subd. 2., but not an amount less than zero, by \$30,000.

20 **SECTION 2046.** 71.28 (3w) (b) 4. of the statutes is amended to read:

21 71.28 (3w) (b) 4. Subtract Multiply the amount determined under subd. 3. from
22 by the amount determined under subd. 1.

23 **SECTION 2047.** 71.28 (3w) (bm) (intro.) and 4. of the statutes are consolidated,
24 renumbered 71.28 (3w) (bm) and amended to read:

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1 71.28 (3w) (bm) *Filing supplemental claims.* In addition to the credit under
2 par. (b) and subject to the limitations provided in this subsection and s. 560.799, a
3 claimant may claim as a credit against the tax imposed under s. 71.23 an amount
4 equal to ~~all of the following:~~ 4. ~~The~~ the amount the claimant paid in the taxable year
5 to upgrade or improve the job-related skills of any of the claimant's full-time
6 employees, to train any of the claimant's full-time employees on the use of
7 job-related new technologies, or to ~~train~~ provide job-related training to any
8 full-time employee whose employment with the claimant represents the employee's
9 first full-time job. This subdivision does not apply to employees who do not work in
10 ~~a~~ an enterprise zone.

11 **SECTION 2048.** 71.28 (3w) (bm) 3. of the statutes is repealed.

12 **SECTION 2049.** 71.28 (3w) (d) of the statutes is amended to read:

13 71.28 (3w) (d) *Administration.* Subsection (4) (g) and (h), as it applies to the
14 credit under sub. (4), applies to the credit under this subsection. Claimants shall
15 include with their returns a copy of their certification for tax benefits, and a copy of
16 the verification of their expenses, from the department of commerce.

17 **SECTION 2050.** 71.28 (5b) (c) 1. of the statutes is amended to read:

18 71.28 (5b) (c) 1. The Except as provided in s. 73.03 (63), the maximum amount
19 of the credits that may be claimed under this subsection and ss. 71.07 (5b) and 71.47
20 (5b) for all taxable years combined is ~~\$35,000,000~~ \$52,500,000.

21 **SECTION 2051.** 71.28 (5b) (d) of the statutes is renumbered 71.28 (5b) (d) 1.

22 **SECTION 2052.** 71.28 (5b) (d) 2. of the statutes is created to read:

23 71.28 (5b) (d) 2. The Wisconsin adjusted basis of any investment for which a
24 credit is claimed under par. (b) shall be reduced by the amount of the credit that is
25 offset against Wisconsin income taxes. The Wisconsin basis of a partner's interest

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1 in a partnership, a member's interest in a limited liability company, or stock in a
2 tax-option corporation shall be adjusted to reflect adjustments made under this
3 subdivision.

4 **SECTION 2053.** 71.28 (5e) (b) of the statutes is amended to read:

5 71.28 (5e) (b) *Filing claims.* Subject to the limitations provided in this
6 subsection and subject to 2005 Wisconsin Act 479, section 17, beginning in the first
7 taxable year following the taxable year in which the claimant claims ~~an exemption~~
8 a deduction under s. ~~77.54 (48)~~ 77.585 (9), a claimant may claim as a credit against
9 the taxes imposed under s. 71.23, up to the amount of those taxes, in each taxable
10 year for 2 years, the amount certified by the department of commerce that the
11 claimant claimed as ~~an exemption~~ a deduction under s. ~~77.54 (48)~~ 77.585 (9).

12 **SECTION 2054.** 71.28 (5e) (c) 1. of the statutes is amended to read:

13 71.28 (5e) (c) 1. No credit may be allowed under this subsection unless the
14 claimant satisfies the requirements under s. ~~77.54 (48)~~ 77.585 (9).

15 **SECTION 2055.** 71.28 (5e) (c) 3. of the statutes is amended to read:

16 71.28 (5e) (c) 3. The total amount of the credits and ~~exemptions~~ deductions that
17 may be claimed by all claimants under this subsection and ss. 71.07 (5e), 71.47 (5e),
18 and ~~77.54 (48)~~ 77.585 (9) is \$7,500,000, as determined by the department of
19 commerce.

20 **SECTION 2056.** 71.28 (5h) (a) 4. of the statutes is amended to read:

21 71.28 (5h) (a) 4. "Previously owned property" means real property that the
22 claimant or a related person owned during the 2 years prior to doing business in this
23 state as a film production company and for which the claimant may not deduct a loss
24 from the sale of the property to, or an exchange of the property with, the related
25 person under section 267 of the Internal Revenue Code, except that section 267 of the

SENATE BILL 40**SECTION 2056**

1 Internal Revenue Code is modified so that if the claimant owns any part of the
2 property, rather than 50 percent ownership, the claimant is subject to section 267 of
3 the Internal Revenue Code for purposes of this subsection.

4 **SECTION 2057.** 71.28 (5h) (c) 2. of the statutes is amended to read:

5 71.28 (5h) (c) 2. A claimant may claim the credit under par. (b) 2. for an amount
6 expended to construct, rehabilitate, remodel, or repair real property, if the claimant
7 began the physical work of construction, rehabilitation, remodeling, or repair, or any
8 demolition or destruction in preparation for the physical work, after December 31,
9 2007, ~~or if~~ and the completed project is placed in service after December 31, 2007.

10 **SECTION 2058.** 71.28 (5h) (c) 3. of the statutes is amended to read:

11 71.28 (5h) (c) 3. A claimant may claim the credit under par. (b) 2. for an amount
12 expended to acquire real property, if the property is not previously owned property
13 and if the claimant acquires the property after December 31, 2007, ~~or if~~ and the
14 completed project is placed in service after December 31, 2007.

15 **SECTION 2059.** 71.28 (5i) of the statutes is created to read:

16 71.28 (5i) ELECTRONIC MEDICAL RECORDS CREDIT. (a) *Definitions.* In this
17 subsection, “claimant” means a person who files a claim under this subsection.

18 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
19 taxable years beginning after December 31, 2008, a claimant may claim as a credit
20 against the taxes imposed under s. 71.23, up to the amount of those taxes, an amount
21 equal to 50 percent of the amount the claimant paid in the taxable year for
22 information technology hardware or software that is used to maintain medical
23 records in electronic form, if the claimant is a health care provider, as defined in s.
24 146.81 (1).

SENATE BILL 40**SECTION 2059**

1 (c) *Limitations.* 1. The maximum amount of the credits that may be claimed
2 under this subsection and ss. 71.07 (5i) and 71.47 (5i) in a taxable year is
3 \$10,000,000, as allocated under s. 560.204.

4 2. Partnerships, limited liability companies, and tax–option corporations may
5 not claim the credit under this subsection, but the eligibility for, and the amount of,
6 the credit are based on their payment of amounts under par. (b). A partnership,
7 limited liability company, or tax–option corporation shall compute the amount of
8 credit that each of its partners, members, or shareholders may claim and shall
9 provide that information to each of them. Partners, members of limited liability
10 companies, and shareholders of tax–option corporations may claim the credit in
11 proportion to their ownership interests.

12 (d) *Administration.* Subsection (4) (e) to (h), as it applies to the credit under
13 sub. (4), applies to the credit under this subsection.

14 **SECTION 2060.** 71.28 (5j) of the statutes is created to read:

15 **71.28 (5j) ETHANOL AND BIODIESEL FUEL PUMP CREDIT.** (a) *Definitions.* In this
16 subsection:

- 17 1. “Biodiesel fuel” has the meaning given in s. 168.14 (2m) (a).
- 18 2. “Claimant” means a person who files a claim under this subsection.
- 19 3. “Motor vehicle fuel” has the meaning given in s. 78.005 (13).

20 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
21 taxable years beginning after December 31, 2007, and before January 1, 2018, a
22 claimant may claim as a credit against the taxes imposed under s. 71.23, up to the
23 amount of the taxes, an amount that is equal to 25 percent of the amount that the
24 claimant paid in the taxable year to install or retrofit pumps located in this state that

SENATE BILL 40**SECTION 2060**

1 dispense motor vehicle fuel consisting of at least 85 percent ethanol or at least 20
2 percent biodiesel fuel.

3 (c) *Limitations.* 1. The maximum amount of the credit that a claimant may
4 claim under this subsection in a taxable year is an amount that is equal to \$5,000 per
5 installed or retrofitted pump that is used as the basis for the credit claimed under
6 par. (b).

7 2. Partnerships, limited liability companies, and tax–option corporations may
8 not claim the credit under this subsection, but the eligibility for, and the amount of,
9 the credit are based on their payment of amounts under par. (b). A partnership,
10 limited liability company, or tax–option corporation shall compute the amount of
11 credit that each of its partners, members, or shareholders may claim and shall
12 provide that information to each of them. Partners, members of limited liability
13 companies, and shareholders of tax–option corporations may claim the credit in
14 proportion to their ownership interests.

15 (d) *Administration.* Subsection (4) (e) to (h), as it applies to the credit under
16 sub. (4), applies to the credit under this subsection.

17 **SECTION 2061.** 71.30 (3) (dd) of the statutes is created to read:

18 71.30 (3) (dd) Dairy manufacturing facility investment credit under s. 71.28
19 (3p).

20 **SECTION 2062.** 71.30 (3) (ed) of the statutes is created to read:

21 71.30 (3) (ed) Ethanol and biodiesel fuel pump credit under s. 71.28 (5j).

22 **SECTION 2063.** 71.30 (3) (epa) of the statutes is created to read:

23 71.30 (3) (epa) Electronic medical records credit under s. 71.28 (5i).

24 **SECTION 2064.** 71.30 (3) (epp) of the statutes is renumbered 71.30 (3) (eps) and
25 amended to read:

SENATE BILL 40**SECTION 2064**

1 71.30 (3) (eps) Film production services credit under s. 71.28 (5f) (b) 1. and 3.

2 **SECTION 2065.** 71.30 (3) (f) of the statutes is amended to read:

3 71.30 (3) (f) The total of farmers' drought property tax credit under s. 71.28
4 (1fd), farmland preservation credit under subch. IX, farmland tax relief credit under
5 s. 71.28 (2m), enterprise zone jobs credit under s. 71.28 (3w), film production services
6 credit under s. 71.28 (5f) (b) 2., and estimated tax payments under s. 71.29.

7 **SECTION 2066.** 71.34 (1) (g) of the statutes is amended to read:

8 71.34 (1) (g) An addition shall be made for credits computed by a tax-option
9 corporation under s. 71.28 (1dd), (1de), (1di), (1dj), (1dL), (1dm), (1ds), (1dx), (3), (3g),
10 (3n), (3p), (3t), (3w), ~~(5b)~~, (5e), (5f), (5g), ~~and (5h)~~, (5i), and (5j) and passed through
11 to shareholders.

12 **SECTION 2067.** 71.34 (1g) (L) of the statutes is repealed.

13 **SECTION 2068.** 71.34 (1g) (m) of the statutes is repealed.

14 **SECTION 2069.** 71.34 (1g) (n) of the statutes is amended to read:

15 71.34 (1g) (n) "Internal Revenue Code" for tax-option corporations, for taxable
16 years that begin after December 31, 1998, and before January 1, 2000, means the
17 federal Internal Revenue Code as amended to December 31, 1998, excluding sections
18 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and
19 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d)
20 of P.L. 104-188, and as amended by P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L.
21 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16, excluding
22 section 431 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections 101, 301
23 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-276, P.L. 108-121, excluding
24 section 109 of P.L. 108-121, P.L. 108-311, excluding sections 306, 307, 308, 316, 401,
25 and 403 (a) of P.L. 108-311, ~~and~~ P.L. 108-357, excluding sections 101, 201, 211, 242,

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1 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135,
2 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
3 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
4 of P.L. 109–280, and as indirectly affected in the provisions applicable to this
5 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2)
6 (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008
7 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
8 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
9 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
10 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
11 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
12 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
13 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
14 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding
15 section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101, 301
16 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121, excluding
17 section 109 of P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308, 316, 401,
18 and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242,
19 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135,
20 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
21 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
22 of P.L. 109–280, except that section 1366 (f) (relating to pass-through of items to
23 shareholders) is modified by substituting the tax under s. 71.35 for the taxes under
24 sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes
25 at the same time as for federal purposes. Amendments to the federal Internal

SENATE BILL 40**SECTION 2069**

1 Revenue Code enacted after December 31, 1998, do not apply to this paragraph with
2 respect to taxable years beginning after December 31, 1998, and before
3 January 1, 2000, except that changes to the Internal Revenue Code made by P.L.
4 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
5 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
6 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.
7 107–276, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–311,
8 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L.
9 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
10 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
11 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and
12 P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and changes that
13 indirectly affect the provisions applicable to this subchapter made by P.L. 106–36,
14 P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L.
15 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
16 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.
17 107–276, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–311,
18 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L.
19 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
20 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
21 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and
22 P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for Wisconsin
23 purposes at the same time as for federal purposes.

24 **SECTION 2070.** 71.34 (1g) (o) of the statutes is amended to read:

SENATE BILL 40**SECTION 2070**

1 71.34 (1g) (o) “Internal Revenue Code” for tax-option corporations, for taxable
2 years that begin after December 31, 1999, and before January 1, 2003, means the
3 federal Internal Revenue Code as amended to December 31, 1999, excluding sections
4 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and
5 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d)
6 of P.L. 104-188, and as amended by P.L. 106-230, P.L. 106-554, excluding sections
7 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.
8 107-16, P.L. 107.22, P.L. 107.116, P.L. 107-134, P.L. 107-147, excluding sections 101,
9 301 (a), and 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, P.L.
10 107-358, P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L.
11 108-121, excluding section 109 of P.L. 108-121, P.L. 108-218, P.L. 108-311,
12 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108-311, and P.L.
13 108-357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
14 of P.L. 108-357, P.L. 109-7, P.L. 109-58, excluding sections 1305, 1308, 1309, 1310,
15 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109-58, P.L. 109-135,
16 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
17 (j), and (q), and 405 of P.L. 109-135, and P.L. 109-280, excluding sections 811 and 844
18 of P.L. 109-280, and as indirectly affected in the provisions applicable to this
19 subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803 (d) (2)
20 (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008
21 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L.
22 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L.
23 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),
24 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.
25 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605

SENATE BILL 40**SECTION 2070**

1 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
2 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
3 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
4 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
5 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.
6 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
7 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218,
8 P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311,
9 and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909,
10 and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
11 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
12 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
13 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
14 811 and 844 of P.L. 109–280, except that section 1366 (f) (relating to pass-through
15 of items to shareholders) is modified by substituting the tax under s. 71.35 for the
16 taxes under sections 1374 and 1375. The Internal Revenue Code applies for
17 Wisconsin purposes at the same time as for federal purposes. Amendments to the
18 federal Internal Revenue Code enacted after December 31, 1999, do not apply to this
19 paragraph with respect to taxable years beginning after December 31, 1999, and
20 before January 1, 2003, except that changes to the Internal Revenue Code made by
21 P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L.
22 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116,
23 P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147,
24 P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding
25 sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L.

SENATE BILL 40**SECTION 2070**

1 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
2 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242, 244,
3 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding
4 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
5 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
6 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L.
7 109–280, excluding sections 811 and 844 of P.L. 109–280, and changes that indirectly
8 affect the provisions applicable to this subchapter made by P.L. 106–230, P.L.
9 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
10 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
11 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.
12 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
13 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218,
14 P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311,
15 and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909,
16 and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
17 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
18 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
19 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
20 811 and 844 of P.L. 109–280, apply for Wisconsin purposes at the same time as for
21 federal purposes.

22 **SECTION 2071.** 71.34 (1g) (p) of the statutes is amended to read:

23 71.34 (1g) (p) “Internal Revenue Code” for tax–option corporations, for taxable
24 years that begin after December 31, 2002, and before January 1, 2004, means the
25 federal Internal Revenue Code as amended to December 31, 2002, excluding sections

SENATE BILL 40**SECTION 2071**

1 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and
2 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
3 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
4 431 of P.L. 107–16, and ~~section~~ sections 101 and 301 (a) of P.L. 107–147, and as
5 amended by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
6 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201
7 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
8 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101,
9 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375,
10 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
11 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections
12 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405
13 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,
14 and as indirectly affected in the provisions applicable to this subchapter by P.L.
15 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812
16 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L.
17 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L.
18 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
19 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
20 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
21 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
22 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
23 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
24 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
25 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,

SENATE BILL 40**SECTION 2071**

1 excluding ~~section~~ sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.
2 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
3 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173,
4 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
5 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
6 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
7 108–357, and P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
8 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
9 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
10 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
11 811 and 844 of P.L. 109–280, except that section 1366 (f) (relating to pass-through
12 of items to shareholders) is modified by substituting the tax under s. 71.35 for the
13 taxes under sections 1374 and 1375. The Internal Revenue Code applies for
14 Wisconsin purposes at the same time as for federal purposes. Amendments to the
15 federal Internal Revenue Code enacted after December 31, 2002, do not apply to this
16 paragraph with respect to taxable years beginning after December 31, 2002, and
17 before January 1, 2004, except that changes to the Internal Revenue Code made by
18 P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121,
19 excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
20 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308,
21 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211,
22 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375, P.L.
23 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
24 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections
25 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405

SENATE BILL 40**SECTION 2071**

1 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,
2 and changes that indirectly affect the provisions applicable to this subchapter made
3 by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121,
4 excluding section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L.
5 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308,
6 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211,
7 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375, P.L.
8 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
9 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections
10 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405
11 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280,
12 apply for Wisconsin purposes at the same time as for federal purposes.

13 **SECTION 2072.** 71.34 (1g) (q) of the statutes is amended to read:

14 71.34 (1g) (q) “Internal Revenue Code” for tax–option corporations, for taxable
15 years that begin after December 31, 2003, and before January 1, 2005, means the
16 federal Internal Revenue Code as amended to December 31, 2003, excluding sections
17 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and
18 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
19 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
20 431 of P.L. 107–16, ~~section~~ sections 101 and 301 (a) of P.L. 107–147, sections 106, 201,
21 and 202 of P.L. 108–27, section 109 of P.L. 108–121, and section 1201 of P.L. 108–173,
22 and as amended by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306,
23 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101,
24 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375,
25 and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,

SENATE BILL 40**SECTION 2072**

1 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73,
2 excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201
3 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
4 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
5 109–280, and as indirectly affected in the provisions applicable to this subchapter
6 by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d)
7 (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L.
8 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L.
9 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
10 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
11 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
12 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
13 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
14 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
15 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
16 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,
17 excluding section ~~sections~~ sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L.
18 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
19 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–173,
20 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
21 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
22 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
23 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
24 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
25 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding

SENATE BILL 40**SECTION 2072**

1 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
2 (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811
3 and 844 of P.L. 109–280, except that section 1366 (f) (relating to pass-through of
4 items to shareholders) is modified by substituting the tax under s. 71.35 for the taxes
5 under sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin
6 purposes at the same time as for federal purposes. Amendments to the federal
7 Internal Revenue Code enacted after December 31, 2003, do not apply to this
8 paragraph with respect to taxable years beginning after December 31, 2003, and
9 before January 1, 2005, except that changes to the Internal Revenue Code made by
10 P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401,
11 and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244,
12 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L.
13 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
14 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
15 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
16 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227,
17 and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and changes that
18 indirectly affect the provisions applicable to this subchapter made by P.L. 108–203,
19 P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a)
20 of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337,
21 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7,
22 P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
23 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L.
24 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
25 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.

SENATE BILL 40**SECTION 2072**

1 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for
2 Wisconsin purposes at the same time as for federal purposes.

3 **SECTION 2073.** 71.34 (1g) (r) of the statutes is amended to read:

4 71.34 **(1g)** (r) “Internal Revenue Code” for tax–option corporations, for taxable
5 years that begin after December 31, 2004, and before January 1, 2006, means the
6 federal Internal Revenue Code as amended to December 31, 2004, excluding sections
7 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and
8 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
9 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
10 P.L. 106–573, section 431 of P.L. 107–16, section sections 101 and 301 (a) of P.L.
11 107–147, sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173,
12 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, and sections 101, 201, 211,
13 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and as amended by P.L.
14 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
15 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
16 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
17 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
18 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
19 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
20 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
21 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821
22 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L.
23 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
24 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
25 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.

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1 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
2 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
3 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
4 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
5 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
6 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding section
7 sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276,
8 P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
9 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
10 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
11 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
12 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7, P.L.
13 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
14 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L.
15 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to section
16 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L.
17 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
18 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, except
19 that section 1366 (f) (relating to pass-through of items to shareholders) is modified
20 by substituting the tax under s. 71.35 for the taxes under sections 1374 and 1375.
21 The Internal Revenue Code applies for Wisconsin purposes at the same time as for
22 federal purposes. Amendments to the federal Internal Revenue Code enacted after
23 December 31, 2004, do not apply to this paragraph with respect to taxable years
24 beginning after December 31, 2004, and before January 1, 2006, except that changes
25 to the Internal Revenue Code made by P.L. 109–7, P.L. 109–58, excluding sections

SENATE BILL 40**SECTION 2073**

1 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
2 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
3 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
4 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,
5 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding
6 sections 811 and 844 of P.L. 109–280, and changes that indirectly affect the
7 provisions applicable to this subchapter made by P.L. 109–7, P.L. 109–58, excluding
8 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
9 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
10 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
11 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
12 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280,
13 excluding sections 811 and 844 of P.L. 109–280, apply for Wisconsin purposes at the
14 same time as for federal purposes.

15 **SECTION 2074.** 71.34 (1g) (s) of the statutes is created to read:

16 71.34 (1g) (s) “Internal Revenue Code” for tax–option corporations, for taxable
17 years that begin after December 31, 2005, and before January 1, 2007, means the
18 federal Internal Revenue Code as amended to December 31, 2005, excluding sections
19 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and
20 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
21 104–188, sections 1, 3, 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554,
22 P.L. 106–573, section 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147,
23 sections 106, 201, and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306,
24 308, 316, 401, and 403 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337,
25 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310,

SENATE BILL 40**SECTION 2074**

1 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of
2 P.L. 109–59, section 301 of P.L. 109–73, and sections 101, 105, 201 (a) as it relates
3 to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as
4 amended by P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
5 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
6 109–280, and as indirectly affected in the provisions applicable to this subchapter
7 by P.L. 99–514, P.L. 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d)
8 (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L.
9 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L.
10 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
11 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
12 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
13 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
14 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
15 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
16 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
17 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,
18 excluding sections 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.
19 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
20 108–27, P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
21 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403
22 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337,
23 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L.
24 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
25 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L.

SENATE BILL 40**SECTION 2074**

1 109–59, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
2 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
3 (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207,
4 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding
5 sections 811 and 844 of P.L. 109–280, except that section 1366 (f) (relating to
6 pass-through of items to shareholders) is modified by substituting the tax under s.
7 71.35 for the taxes under sections 1374 and 1375. The Internal Revenue Code applies
8 for Wisconsin purposes at the same time as for federal purposes. Amendments to the
9 federal Internal Revenue Code enacted after December 31, 2005, do not apply to this
10 paragraph with respect to taxable years beginning after December 31, 2005, and
11 before January 1, 2007, except that changes to the Internal Revenue Code made by
12 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
13 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and
14 changes that indirectly affect the provisions applicable to this subchapter made by
15 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
16 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for
17 Wisconsin purposes at the same time as for federal purposes.

18 **SECTION 2075.** 71.34 (1g) (t) of the statutes is created to read:

19 71.34 (1g) (t) “Internal Revenue Code” for tax-option corporations, for taxable
20 years that begin after December 31, 2006, means the federal Internal Revenue Code
21 as amended to December 31, 2006, excluding sections 103, 104, and 110 of P.L.
22 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
23 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,
24 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
25 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and

SENATE BILL 40**SECTION 2075**

1 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403
2 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
3 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
4 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301
5 of P.L. 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403
6 (e), (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of
7 P.L. 109–222, sections 811 and 844 of P.L. 109–280, and P.L. 109–432, and as
8 indirectly affected in the provisions applicable to this subchapter by P.L. 99–514, P.L.
9 100–203, P.L. 100–647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821
10 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L.
11 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
12 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
13 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
14 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
15 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
16 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
17 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections
18 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
19 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
20 101 and 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
21 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
22 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
23 108–218, P.L. 108–311, excluding sections 306, 308, 316, 401, and 403 (a) of P.L.
24 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
25 909, and 910 of P.L. 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58,

SENATE BILL 40**SECTION 2075**

1 excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348,
2 and 1351 of P.L. 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L.
3 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
4 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
5 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,
6 and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and
7 844 of P.L. 109–280, except that section 1366 (f) (relating to pass-through of items
8 to shareholders) is modified by substituting the tax under s. 71.35 for the taxes under
9 sections 1374 and 1375. The Internal Revenue Code applies for Wisconsin purposes
10 at the same time as for federal purposes. Amendments to the federal Internal
11 Revenue Code enacted after December 31, 2006, do not apply to this paragraph with
12 respect to taxable years beginning after December 31, 2006.

13 **SECTION 2076.** 71.34 (1m) of the statutes is renumbered 71.34 (1m) (a).

14 **SECTION 2077.** 71.34 (1m) (b) of the statutes is created to read:

15 71.34 (1m) (b) Notwithstanding sub. (1g), section 101 of P.L. 109–222, related
16 to extending the increased expense deduction under section 179 of the Internal
17 Revenue Code, applies to property used in farming that is acquired and placed in
18 service in taxable years beginning on or after January 1, 2008, and used by a person
19 who is actively engaged in farming. For purposes of this paragraph, “actively
20 engaged in farming” has the meaning given in 7 CFR 1400.201, and “farming” has
21 the meaning given in section 464 (e) (1) of the Internal Revenue Code.

22 **SECTION 2078.** 71.42 (2) (k) of the statutes is repealed.

23 **SECTION 2079.** 71.42 (2) (L) of the statutes is repealed.

24 **SECTION 2080.** 71.42 (2) (m) of the statutes is amended to read:

SENATE BILL 40**SECTION 2080**

1 71.42 (2) (m) For taxable years that begin after December 31, 1998, and before
2 January 1, 2000, “Internal Revenue Code” means the federal Internal Revenue Code
3 as amended to December 31, 1998, excluding sections 103, 104, and 110 of P.L.
4 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66
5 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as
6 amended by P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding
7 sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431 of P.L.
8 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of P.L.
9 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121, excluding section 109 of P.L.
10 108–121, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L.
11 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422,
12 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding sections 101,
13 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
14 P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and
15 as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
16 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
17 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
18 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
19 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
20 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
21 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
22 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
23 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
24 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.
25 107–276, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–311,

SENATE BILL 40**SECTION 2080**

1 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L.
2 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
3 of P.L. 108–357, P.L. 109–7, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
4 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and
5 P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, except that “Internal
6 Revenue Code” does not include section 847 of the federal Internal Revenue Code.
7 The Internal Revenue Code applies for Wisconsin purposes at the same time as for
8 federal purposes. Amendments to the federal Internal Revenue Code enacted after
9 December 31, 1998, do not apply to this paragraph with respect to taxable years
10 beginning after December 31, 1998, and before January 1, 2000, except that
11 changes to the Internal Revenue Code made by P.L. 106–36, P.L. 106–170, P.L.
12 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
13 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections
14 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121,
15 excluding section 109 of P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308,
16 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201,
17 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
18 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
19 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
20 811 and 844 of P.L. 109–280, and changes that indirectly affect the provisions
21 applicable to this subchapter made by P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
22 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding
23 section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101, 301
24 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–276, P.L. 108–121, excluding
25 section 109 of P.L. 108–121, P.L. 108–311, excluding sections 306, 307, 308, 316, 401,

SENATE BILL 40**SECTION 2080**

1 and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201, 211, 242,
2 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–135,
3 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
4 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
5 of P.L. 109–280, apply for Wisconsin purposes at the same time as for federal
6 purposes.

7 **SECTION 2081.** 71.42 (2) (n) of the statutes is amended to read:

8 71.42 (2) (n) For taxable years that begin after December 31, 1999, and before
9 January 1, 2003, “Internal Revenue Code” means the federal Internal Revenue Code
10 as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L.
11 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66
12 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as
13 amended by P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L.
14 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22,
15 P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a), and 406 of
16 P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
17 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
18 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308,
19 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101, 201,
20 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
21 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
22 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
23 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
24 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
25 indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.

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1 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
2 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
3 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
4 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
5 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
6 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
7 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
8 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
9 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101, 301 (a),
10 and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L.
11 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding
12 section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311, excluding sections 306, 307,
13 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L. 108–357, excluding sections 101,
14 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 109–7, P.L.
15 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
16 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
17 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
18 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, except
19 that “Internal Revenue Code” does not include section 847 of the federal Internal
20 Revenue Code. The Internal Revenue Code applies for Wisconsin purposes at the
21 same time as for federal purposes. Amendments to the federal Internal Revenue
22 Code enacted after December 31, 1999, do not apply to this paragraph with respect
23 to taxable years beginning after December 31, 1999, and before January 1, 2003,
24 except that changes to the Internal Revenue Code made by P.L. 106–230, P.L.
25 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,

SENATE BILL 40**SECTION 2081**

1 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
2 107–147, excluding sections 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L.
3 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
4 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218,
5 P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311,
6 and P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909,
7 and 910 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
8 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
9 109–135, excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
10 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections
11 811 and 844 of P.L. 109–280, and changes that indirectly affect the provisions
12 applicable to this subchapter made by P.L. 106–230, P.L. 106–554, excluding sections
13 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
14 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
15 101, 301 (a), and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
16 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
17 108–121, excluding section 109 of P.L. 108–121, P.L. 108–218, P.L. 108–311,
18 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, and P.L.
19 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
20 of P.L. 108–357, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310,
21 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135,
22 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
23 (j), and (q), and 405 of P.L. 109–135, and P.L. 109–280, excluding sections 811 and 844
24 of P.L. 109–280, apply for Wisconsin purposes at the same time as for federal
25 purposes.

SENATE BILL 40**SECTION 2082**

1 **SECTION 2082.** 71.42 (2) (o) of the statutes is amended to read:

2 71.42 **(2)** (o) For taxable years that begin after December 31, 2002, and before
3 January 1, 2004, “Internal Revenue Code” means the federal Internal Revenue Code
4 as amended to December 31, 2002, excluding sections 103, 104, and 110 of P.L.
5 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
6 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519,
7 sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, and
8 ~~section~~ sections 101 and 301 (a) of P.L. 107–147, and as amended by P.L. 108–27,
9 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
10 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
11 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
12 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
13 337, 422, 847, 909, and 910 of P.L. 108–357, ~~and~~ P.L. 108–375, P.L. 109–7, P.L.
14 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
15 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
16 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
17 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as
18 indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
19 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
20 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
21 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
22 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
23 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
24 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
25 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of

SENATE BILL 40**SECTION 2082**

1 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
2 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding ~~section~~ sections 101 and
3 301 (a) of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L.
4 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding
5 section 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173,
6 P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401,
7 and 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244,
8 336, 337, 422, 847, 909, and 910 of P.L. 108–357, and P.L. 108–375, P.L. 109–7, P.L.
9 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
10 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201
11 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L.
12 109–135, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, except
13 that “Internal Revenue Code” does not include section 847 of the federal Internal
14 Revenue Code. The Internal Revenue Code applies for Wisconsin purposes at the
15 same time as for federal purposes. Amendments to the federal Internal Revenue
16 Code enacted after December 31, 2002, do not apply to this paragraph with respect
17 to taxable years beginning after December 31, 2002, and before January 1, 2004,
18 except that changes to the Internal Revenue Code made by P.L. 108–27, excluding
19 sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L.
20 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
21 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L.
22 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
23 909, and 910 of P.L. 108–357, and P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding
24 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
25 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to

SENATE BILL 40**SECTION 2082**

1 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L.
2 109–280, excluding sections 811 and 844 of P.L. 109–280, and changes that indirectly
3 affect the provisions applicable to this subchapter made by P.L. 108–27, excluding
4 sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L.
5 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L.
6 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L.
7 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847,
8 909, and 910 of P.L. 108–357, and P.L. 108–375, P.L. 109–7, P.L. 109–58, excluding
9 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
10 of P.L. 109–58, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
11 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and P.L.
12 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for Wisconsin
13 purposes at the same time as for federal purposes.

14 **SECTION 2083.** 71.42 (2) (p) of the statutes is amended to read:

15 71.42 (2) (p) For taxable years that begin after December 31, 2003, and before
16 January 1, 2005, “Internal Revenue Code” means the federal Internal Revenue Code
17 as amended to December 31, 2003, excluding sections 103, 104, and 110 of P.L.
18 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
19 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519,
20 sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, section
21 sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27,
22 section 109 of P.L. 108–121, and section 1201 of P.L. 108–173, and as amended by P.L.
23 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
24 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
25 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L.

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1 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
2 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
3 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
4 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227,
5 and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as indirectly
6 affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L.
7 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and
8 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
9 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
10 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
11 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
12 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
13 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
14 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.
15 107–116, P.L. 107–134, P.L. 107–147, excluding section sections 101 and 301 (a) of
16 P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
17 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
18 109 of P.L. 108–121, P.L. 108–173, excluding section 1201 of P.L. 108–173, P.L.
19 108–203, P.L. 108–218, P.L. 108–311, excluding sections 306, 307, 308, 316, 401, and
20 403 (a) of P.L. 108–311, P.L. 108–357, excluding sections 101, 201, 211, 242, 244, 336,
21 337, 422, 847, 909, and 910 of P.L. 108–357, P.L. 108–375, and P.L. 108–476, P.L.
22 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
23 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
24 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
25 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–227,

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1 and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, except that
2 “Internal Revenue Code” does not include section 847 of the federal Internal Revenue
3 Code. The Internal Revenue Code applies for Wisconsin purposes at the same time
4 as for federal purposes. Amendments to the federal Internal Revenue Code enacted
5 after December 31, 2003, do not apply to this paragraph with respect to taxable years
6 beginning after December 31, 2003, and before January 1, 2005, except that changes
7 to the Internal Revenue Code made by P.L. 108–203, P.L. 108–218, P.L. 108–311,
8 excluding sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
9 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
10 108–357, P.L. 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
11 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
12 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding
13 sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and
14 (q), and 405 of P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811
15 and 844 of P.L. 109–280, and changes that indirectly affect the provisions applicable
16 to this subchapter made by P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding
17 sections 306, 307, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding
18 sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L.
19 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
20 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
21 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
22 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
23 P.L. 109–135, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
24 109–280, apply for Wisconsin purposes at the same time as for federal purposes.

25 **SECTION 2084.** 71.42 (2) (q) of the statutes is amended to read:

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1 71.42 (2) (q) For taxable years that begin after December 31, 2004, and before
2 January 1, 2006, “Internal Revenue Code” means the federal Internal Revenue Code
3 as amended to December 31, 2004, excluding sections 103, 104, and 110 of P.L.
4 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
5 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,
6 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
7 431 of P.L. 107–16, ~~section~~ sections 101 and 301 (a) of P.L. 107–147, sections 106, 201,
8 and 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and
9 403 (a) of P.L. 108–311, and sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909,
10 and 910 of P.L. 108–357, and as amended by P.L. 109–7, P.L. 109–58, excluding
11 sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351
12 of P.L. 109–58, P.L. 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135,
13 excluding sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
14 (j), and (q), and 405 of P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections
15 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280,
16 excluding sections 811 and 844 of P.L. 109–280, and as indirectly affected by P.L.
17 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L.
18 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
19 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
20 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
21 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
22 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
23 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
24 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
25 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.

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1 107–134, P.L. 107–147, excluding ~~section~~ sections 101 and 301 (a) of P.L. 107–147,
2 P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding
3 sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173, excluding
4 section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311, excluding
5 sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357, excluding
6 sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L. 108–357, P.L.
7 108–375, and P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308,
8 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L.
9 109–73, excluding section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101,
10 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of
11 P.L. 109–135, P.L. 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512,
12 and 513 of P.L. 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and
13 844 of P.L. 109–280, except that “Internal Revenue Code” does not include section
14 847 of the federal Internal Revenue Code. The Internal Revenue Code applies for
15 Wisconsin purposes at the same time as for federal purposes. Amendments to the
16 federal Internal Revenue Code enacted after December 31, 2004, do not apply to this
17 paragraph with respect to taxable years beginning after December 31, 2004, and
18 before January 1, 2006, except that changes to the Internal Revenue Code made by
19 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
20 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
21 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
22 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
23 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
24 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and
25 changes that indirectly affect the provisions applicable to this subchapter made by

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1 P.L. 109–7, P.L. 109–58, excluding sections 1305, 1308, 1309, 1310, 1323, 1324, 1325,
2 1326, 1328, 1329, 1348, and 1351 of P.L. 109–58, P.L. 109–73, excluding section 301
3 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it relates to
4 section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L. 109–151,
5 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
6 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for
7 Wisconsin purposes at the same time as for federal purposes.

8 **SECTION 2085.** 71.42 (2) (r) of the statutes is created to read:

9 71.42 (2) (r) For taxable years that begin after December 31, 2005, and before
10 January 1, 2007, “Internal Revenue Code” means the federal Internal Revenue Code
11 as amended to December 31, 2005, excluding sections 103, 104, and 110 of P.L.
12 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
13 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3,
14 4, and 5 of P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
15 431 of P.L. 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and
16 202 of P.L. 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403
17 (a) of P.L. 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910
18 of P.L. 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326,
19 1328, 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301
20 of P.L. 109–73, and sections 101, 105, 201 (a) as it relates to section 1400S (a), 402
21 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, and as amendeded by P.L. 109–222,
22 excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L. 109–227, and
23 P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and as indirectly
24 affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L.
25 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and

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1 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
2 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
3 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
4 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
5 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
6 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
7 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.
8 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L.
9 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
10 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
11 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
12 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
13 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
14 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
15 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
16 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
17 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
18 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
19 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
20 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
21 109–280, except that “Internal Revenue Code” does not include section 847 of the
22 federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin
23 purposes at the same time as for federal purposes. Amendments to the federal
24 Internal Revenue Code enacted after December 31, 2005, do not apply to this
25 paragraph with respect to taxable years beginning after December 31, 2005, and

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1 before January 1, 2007, except that changes to the Internal Revenue Code made by
2 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
3 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, and
4 changes that indirectly affect the provisions applicable to this subchapter made by
5 P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L. 109–222, P.L.
6 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L. 109–280, apply for
7 Wisconsin purposes at the same time as for federal purposes.

8 **SECTION 2086.** 71.42 (2) (s) of the statutes is created to read:

9 71.42 (2) (s) For taxable years that begin after December 31, 2006, “Internal
10 Revenue Code” means the federal Internal Revenue Code as amended to
11 December 31, 2006, excluding sections 103, 104, and 110 of P.L. 102–227, sections
12 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b),
13 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, sections 1, 3, 4, and 5 of P.L.
14 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L.
15 107–16, sections 101 and 301 (a) of P.L. 107–147, sections 106, 201, and 202 of P.L.
16 108–27, section 1201 of P.L. 108–173, sections 306, 308, 316, 401, and 403 (a) of P.L.
17 108–311, sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
18 108–357, P.L. 109–1, sections 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328,
19 1329, 1348, and 1351 of P.L. 109–58, section 11146 of P.L. 109–59, section 301 of P.L.
20 109–73, sections 101, 105, 201 (a) as it relates to section 1400S (a), 402 (e), 403 (e),
21 (j), and (q), and 405 of P.L. 109–135, sections 101, 207, 209, 503, 512, and 513 of P.L.
22 109–222, sections 811 and 844 of P.L. 109–280, and P.L. 109–432, and as indirectly
23 affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L.
24 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and
25 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections

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1 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
2 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
3 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
4 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
5 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
6 P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L.
7 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 301 (a) of P.L.
8 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
9 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, P.L. 108–173,
10 excluding section 1201 of P.L. 108–173, P.L. 108–203, P.L. 108–218, P.L. 108–311,
11 excluding sections 306, 308, 316, 401, and 403 (a) of P.L. 108–311, P.L. 108–357,
12 excluding sections 101, 201, 211, 242, 244, 336, 337, 422, 847, 909, and 910 of P.L.
13 108–357, P.L. 108–375, P.L. 108–476, P.L. 109–7, P.L. 109–58, excluding sections
14 1305, 1308, 1309, 1310, 1323, 1324, 1325, 1326, 1328, 1329, 1348, and 1351 of P.L.
15 109–58, P.L. 109–59, excluding section 11146 of P.L. 109–59, P.L. 109–73, excluding
16 section 301 of P.L. 109–73, P.L. 109–135, excluding sections 101, 105, 201 (a) as it
17 relates to section 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of P.L. 109–135, P.L.
18 109–151, P.L. 109–222, excluding sections 101, 207, 209, 503, 512, and 513 of P.L.
19 109–222, P.L. 109–227, and P.L. 109–280, excluding sections 811 and 844 of P.L.
20 109–280, except that “Internal Revenue Code” does not include section 847 of the
21 federal Internal Revenue Code. The Internal Revenue Code applies for Wisconsin
22 purposes at the same time as for federal purposes. Amendments to the federal
23 Internal Revenue Code enacted after December 31, 2006, do not apply to this
24 paragraph with respect to taxable years beginning after December 31, 2006.

25 **SECTION 2087.** 71.44 (3) of the statutes is amended to read:

SENATE BILL 40**SECTION 2087**

1 71.44 **(3)** EXTENSIONS. In the case of a corporation required to file a return,
2 ~~when sufficient reason is shown, the department of revenue may on written request~~
3 ~~shall allow an automatic extension of 30 days~~ 7 months or until the original due date
4 of the corporation's corresponding federal return, whichever is later, ~~if the~~
5 ~~corporation has not received an extension on its federal return.~~ Any extension of time
6 granted by law or by the internal revenue service for the filing of corresponding
7 federal returns shall extend the time for filing under this subchapter to 30 days after
8 the federal due date ~~if a copy of any extension requested of the internal revenue~~
9 ~~service is filed with~~ the corporation reports the extension in the manner specified by
10 the department on the return. ~~Termination of an automatic extension by the internal~~
11 ~~revenue service, or its refusal to grant such automatic extension, shall similarly~~
12 ~~require that any returns due under this subchapter are due on or before 30 days after~~
13 ~~the date for termination fixed by the internal revenue service.~~ Except for payments
14 of estimated taxes, income or franchise taxes payable upon the filing of the tax return
15 shall not become delinquent during such extension period, but shall be subject to
16 interest at the rate of 12% per year during such period.

17 **SECTION 2088.** 71.45 (2) (a) 10. of the statutes is amended to read:

18 71.45 **(2)** (a) 10. By adding to federal taxable income the amount of credit
19 computed under s. 71.47 (1dd) to (1dx), (3n), (3p), (3w), ~~(5b)~~, (5e), (5f), (5g), and (5h),
20 (5i), and (5j) and not passed through by a partnership, limited liability company, or
21 tax-option corporation that has added that amount to the partnership's, limited
22 liability company's, or tax-option corporation's income under s. 71.21 (4) or 71.34 (1)
23 (g) and the amount of credit computed under s. 71.47 (1), (3), (3t), (4), and (5).

24 **SECTION 2089.** 71.47 (1dj) (am) 4h. of the statutes is amended to read:

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1 71.47 (1dj) (am) 4h. Modify section 51 (a) of the internal revenue code so that
2 the amount of the credit is 25% of the qualified first-year wages if the wages are paid
3 to an applicant for a Wisconsin works Works employment position for service either
4 in an unsubsidized position or in a trial job position under s. 49.147 (3) or (3m) and
5 so that the amount of the credit is 20% of the qualified first-year wages if the wages
6 are not paid to such an applicant.

7 **SECTION 2090.** 71.47 (1dx) (a) 5. of the statutes is amended to read:

8 71.47 (1dx) (a) 5. “Member of a targeted group” means a person who resides
9 in an area designated by the federal government as an economic revitalization area,
10 a person who is employed in an unsubsidized job but meets the eligibility
11 requirements under s. 49.145 (2) and (3) for a Wisconsin Works employment position,
12 a person who is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work,
13 real pay project position under s. 49.147 (3m), a person who is eligible for child care
14 assistance under s. 49.155, a person who is a vocational rehabilitation referral, an
15 economically disadvantaged youth, an economically disadvantaged veteran, a
16 supplemental security income recipient, a general assistance recipient, an
17 economically disadvantaged ex-convict, a qualified summer youth employee, as
18 defined in 26 USC 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or
19 a food stamp recipient, if the person has been certified in the manner under sub. (1dj)
20 (am) 3. by a designated local agency, as defined in sub. (1dj) (am) 2.

21 **SECTION 2091.** 71.47 (1dx) (b) 2. of the statutes is amended to read:

22 71.47 (1dx) (b) 2. The amount determined by multiplying the amount
23 determined under s. 560.785 (1) (b) by the number of full-time jobs created in a
24 development zone and filled by a member of a targeted group and by then subtracting

SENATE BILL 40**SECTION 2091**

1 the subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid
2 under s. 49.147 (3m) (c) for those jobs.

3 **SECTION 2092.** 71.47 (1dx) (b) 3. of the statutes is amended to read:

4 71.47 (1dx) (b) 3. The amount determined by multiplying the amount
5 determined under s. 560.785 (1) (c) by the number of full-time jobs created in a
6 development zone and not filled by a member of a targeted group and by then
7 subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and
8 reimbursements paid under s. 49.147 (3m) (c) for those jobs.

9 **SECTION 2093.** 71.47 (1dx) (b) 4. of the statutes is amended to read:

10 71.47 (1dx) (b) 4. The amount determined by multiplying the amount
11 determined under s. 560.785 (1) (bm) by the number of full-time jobs retained, as
12 provided in the rules under s. 560.785, excluding jobs for which a credit has been
13 claimed under sub. (1dj), in an enterprise development zone under s. 560.797 and for
14 which significant capital investment was made and by then subtracting the
15 subsidies paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid
16 under s. 49.147 (3m) (c) for those jobs.

17 **SECTION 2094.** 71.47 (1dx) (b) 5. of the statutes is amended to read:

18 71.47 (1dx) (b) 5. The amount determined by multiplying the amount
19 determined under s. 560.785 (1) (c) by the number of full-time jobs retained, as
20 provided in the rules under s. 560.785, excluding jobs for which a credit has been
21 claimed under sub. (1dj), in a development zone and not filled by a member of a
22 targeted group and by then subtracting the subsidies paid under s. 49.147 (3) (a) or
23 the subsidies and reimbursements paid under s. 49.147 (3m) (c) for those jobs.

24 **SECTION 2095.** 71.47 (3p) of the statutes is created to read:

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1 71.47 **(3p)** DAIRY MANUFACTURING FACILITY INVESTMENT CREDIT. (a) *Definitions.*

2 In this subsection:

3 1. “Claimant” means a person who files a claim under this subsection.

4 2. “Dairy manufacturing” means processing milk into dairy products or
5 processing dairy products for sale commercially.

6 3. “Dairy manufacturing modernization or expansion” means constructing,
7 improving, or acquiring buildings or facilities, or acquiring equipment, for dairy
8 manufacturing, including the following, if used exclusively for dairy manufacturing
9 and if acquired and placed in service in this state during taxable years that begin
10 after December 31, 2006, and before January 1, 2015:

11 a. Building construction, including storage and warehouse facilities.

12 b. Building additions.

13 c. Upgrades to utilities, including water, electric, heat, and waste facilities.

14 d. Milk intake and storage equipment.

15 e. Processing and manufacturing equipment, including pipes, motors, pumps,
16 valves, pasteurizers, homogenizers, vats, evaporators, dryers, concentrators, and
17 churns.

18 f. Packaging and handling equipment, including sealing, bagging, boxing,
19 labeling, conveying, and product movement equipment.

20 g. Warehouse equipment, including storage racks.

21 h. Waste treatment and waste management equipment, including tanks,
22 blowers, separators, dryers, digesters, and equipment that uses waste to produce
23 energy, fuel, or industrial products.

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1 i. Computer software and hardware used for managing the claimant's dairy
2 manufacturing operation, including software and hardware related to logistics,
3 inventory management, and production plant controls.

4 4. "Used exclusively" means used to the exclusion of all other uses except for
5 use not exceeding 5 percent of total use.

6 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
7 taxable years beginning after December 31, 2006, and before January 1, 2015, a
8 claimant may claim as a credit against the taxes imposed under s. 71.43, up to the
9 amount of the tax, an amount equal to 10 percent of the amount the claimant paid
10 in the taxable year for dairy manufacturing modernization or expansion related to
11 the claimant's dairy manufacturing operation.

12 (c) *Limitations.* 1. No credit may be allowed under this subsection for any
13 amount that the claimant paid for expenses described under par. (b) that the
14 claimant also claimed as a deduction under section 162 of the Internal Revenue Code.

15 2. The aggregate amount of credits that a claimant may claim under this
16 subsection is \$200,000.

17 3. Partnerships, limited liability companies, and tax-option corporations may
18 not claim the credit under this subsection, but the eligibility for, and the amount of,
19 the credit are based on their payment of expenses under par. (b), except that the
20 aggregate amount of credits that the entity may compute shall not exceed \$200,000.
21 A partnership, limited liability company, or tax-option corporation shall compute
22 the amount of credit that each of its partners, members, or shareholders may claim
23 and shall provide that information to each of them. Partners, members of limited
24 liability companies, and shareholders of tax-option corporations may claim the
25 credit in proportion to their ownership interest.

SENATE BILL 40**SECTION 2095**

1 4. If 2 or more persons own and operate the dairy manufacturing operation,
2 each person may claim a credit under par. (b) in proportion to his or her ownership
3 interest, except that the aggregate amount of the credits claimed by all persons who
4 own and operate the farm shall not exceed \$200,000.

5 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
6 s. 71.28 (4), applies to the credit under this subsection.

7 **SECTION 2096.** 71.47 (3w) (a) 5m. of the statutes is created to read:

8 71.47 (3w) (a) 5m. “Wages” means wages under section 3306 (b) of the Internal
9 Revenue Code, determined without regard to any dollar limitations.

10 **SECTION 2097.** 71.47 (3w) (a) 6. of the statutes is amended to read:

11 71.47 (3w) (a) 6. “Zone payroll” means the amount of state payroll that is
12 attributable to ~~compensation~~ wages paid to individuals full-time employees for
13 services that are performed in ~~a~~ an enterprise zone. “Zone payroll” does not include
14 the amount of ~~compensation~~ wages paid to any individuals full-time employees that
15 exceeds \$100,000.

16 **SECTION 2098.** 71.47 (3w) (b) 1. a. of the statutes is amended to read:

17 71.47 (3w) (b) 1. a. The claimant’s ~~zone payroll in the taxable year, minus the~~
18 ~~claimant’s zone payroll~~ number of full-time employees whose annual wages are
19 greater than \$30,000 and who the claimant employed in the enterprise zone in the
20 taxable year, minus the number of full-time employees whose annual wages were
21 greater than \$30,000 and who the claimant employed in the area that comprises the
22 enterprise zone in the base year.

23 **SECTION 2099.** 71.47 (3w) (b) 1. b. of the statutes is amended to read:

24 71.47 (3w) (b) 1. b. The claimant’s ~~state payroll in the taxable year, minus the~~
25 ~~claimant’s state payroll~~ number of full-time employees whose annual wages are

SENATE BILL 40**SECTION 2099**

1 greater than \$30,000 and who the claimant employed in the state in the taxable year,
2 minus the number of full-time employees whose annual wages were greater than
3 \$30,000 and who the claimant employed in the state in the base year.

4 **SECTION 2100.** 71.47 (3w) (b) 2. of the statutes is amended to read:

5 71.47 **(3w)** (b) 2. Subtract the number of Determine the claimant's average
6 zone payroll by dividing total wages for full-time employees that whose annual
7 wages are greater than \$30,000 and who the claimant employed in the area that
8 comprises the enterprise zone in the base taxable year from by the number of
9 full-time employees that whose annual wages are greater than \$30,000 and who the
10 claimant employed in the enterprise zone in the taxable year.

11 **SECTION 2101.** 71.47 (3w) (b) 3. of the statutes is amended to read:

12 71.47 **(3w)** (b) 3. ~~Multiply Subtract \$30,000 from~~ the amount determined under
13 ~~subd. 2., but not an amount less than zero, by \$30,000.~~

14 **SECTION 2102.** 71.47 (3w) (b) 4. of the statutes is amended to read:

15 71.47 **(3w)** (b) 4. Subtract Multiply the amount determined under subd. 3. from
16 by the amount determined under subd. 1.

17 **SECTION 2103.** 71.47 (3w) (bm) (intro.) and 4. of the statutes are consolidated,
18 renumbered 71.47 (3w) (bm) and amended to read:

19 71.47 **(3w)** (bm) *Filing supplemental claims.* In addition to the credit under
20 par. (b) and subject to the limitations provided in this subsection and s. 560.799, a
21 claimant may claim as a credit against the tax imposed under s. 71.43 an amount
22 equal to ~~all of the following:~~ 4. ~~The~~ the amount the claimant paid in the taxable year
23 to upgrade or improve the job-related skills of any of the claimant's full-time
24 employees, to train any of the claimant's full-time employees on the use of
25 job-related new technologies, or to ~~train~~ provide job-related training to any

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1 full-time employee whose employment with the claimant represents the employee's
2 first full-time job. This subdivision does not apply to employees who do not work in
3 ~~a~~ an enterprise zone.

4 **SECTION 2104.** 71.47 (3w) (bm) 3. of the statutes is repealed.

5 **SECTION 2105.** 71.47 (3w) (d) of the statutes is amended to read:

6 71.47 **(3w)** (d) *Administration.* Section 71.28 (4) (g) and (h), as it applies to the
7 credit under s. 71.28 (4), applies to the credit under this subsection. Claimants shall
8 include with their returns a copy of their certification for tax benefits, and a copy of
9 the verification of their expenses, from the department of commerce.

10 **SECTION 2106.** 71.47 (5b) (c) 1. of the statutes is amended to read:

11 71.47 **(5b)** (c) 1. The Except as provided in s. 73.03 (63), the maximum amount
12 of the credits that may be claimed under this subsection and ss. 71.07 (5b) and 71.28
13 (5b) for all taxable years combined is ~~\$35,000,000~~ \$52,500,000.

14 **SECTION 2107.** 71.47 (5b) (d) of the statutes is renumbered 71.47 (5b) (d) 1.

15 **SECTION 2108.** 71.47 (5b) (d) 2. of the statutes is created to read:

16 71.47 **(5b)** (d) 2. The Wisconsin adjusted basis of any investment for which a
17 credit is claimed under par. (b) shall be reduced by the amount of the credit that is
18 offset against Wisconsin income taxes. The Wisconsin basis of a partner's interest
19 in a partnership, a member's interest in a limited liability company, or stock in a
20 tax-option corporation shall be adjusted to reflect adjustments made under this
21 subdivision.

22 **SECTION 2109.** 71.47 (5e) (b) of the statutes is amended to read:

23 71.47 **(5e)** (b) *Filing claims.* Subject to the limitations provided in this
24 subsection and subject to 2005 Wisconsin Act 479, section 17, beginning in the first
25 taxable year following the taxable year in which the claimant claims ~~an exemption~~

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1 a deduction under s. ~~77.54 (48)~~ 77.585 (9), a claimant may claim as a credit against
2 the taxes imposed under s. 71.43, up to the amount of those taxes, in each taxable
3 year for 2 years, the amount certified by the department of commerce that the
4 claimant claimed as ~~an exemption~~ a deduction under s. ~~77.54 (48)~~ 77.585 (9).

5 **SECTION 2110.** 71.47 (5e) (c) 1. of the statutes is amended to read:

6 71.47 **(5e)** (c) 1. No credit may be allowed under this subsection unless the
7 claimant satisfies the requirements under s. ~~77.54 (48)~~ 77.585 (9).

8 **SECTION 2111.** 71.47 (5e) (c) 3. of the statutes is amended to read:

9 71.47 **(5e)** (c) 3. The total amount of the credits and ~~exemptions~~ deductions that
10 may be claimed by all claimants under this subsection and ss. 71.07 (5e), 71.28 (5e),
11 and ~~77.54 (48)~~ 77.585 (9) is \$7,500,000, as determined by the department of
12 commerce.

13 **SECTION 2112.** 71.47 (5h) (a) 4. of the statutes is amended to read:

14 71.47 **(5h)** (a) 4. “Previously owned property” means real property that the
15 claimant or a related person owned during the 2 years prior to doing business in this
16 state as a film production company and for which the claimant may not deduct a loss
17 from the sale of the property to, or an exchange of the property with, the related
18 person under section 267 of the Internal Revenue Code, except that section 267 of the
19 Internal Revenue Code is modified so that if the claimant owns any part of the
20 property, rather than 50 percent ownership, the claimant is subject to section 267 of
21 the Internal Revenue Code for purposes of this subsection.

22 **SECTION 2113.** 71.47 (5h) (c) 2. of the statutes is amended to read:

23 71.47 **(5h)** (c) 2. A claimant may claim the credit under par. (b) 2. for an amount
24 expended to construct, rehabilitate, remodel, or repair real property, if the claimant
25 began the physical work of construction, rehabilitation, remodeling, or repair, or any

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1 demolition or destruction in preparation for the physical work, after December 31,
2 2007, ~~or if~~ and the completed project is placed in service after December 31, 2007.

3 **SECTION 2114.** 71.47 (5h) (c) 3. of the statutes is amended to read:

4 71.47 **(5h)** (c) 3. A claimant may claim the credit under par. (b) 2. for an amount
5 expended to acquire real property, if the property is not previously owned property
6 and if the claimant acquires the property after December 31, 2007, ~~or if~~ and the
7 completed project is placed in service after December 31, 2007.

8 **SECTION 2115.** 71.47 (5i) of the statutes is created to read:

9 71.47 **(5i)** ELECTRONIC MEDICAL RECORDS CREDIT. (a) *Definitions.* In this
10 subsection, “claimant” means a person who files a claim under this subsection.

11 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
12 taxable years beginning after December 31, 2008, a claimant may claim as a credit
13 against the taxes imposed under s. 71.43, up to the amount of those taxes, an amount
14 equal to 50 percent of the amount the claimant paid in the taxable year for
15 information technology hardware or software that is used to maintain medical
16 records in electronic form, if the claimant is a health care provider, as defined in s.
17 146.81 (1).

18 (c) *Limitations.* 1. The maximum amount of the credits that may be claimed
19 under this subsection and ss. 71.07 (5i) and 71.28 (5i) in a taxable year is
20 \$10,000,000, as allocated under s. 560.204.

21 2. Partnerships, limited liability companies, and tax-option corporations may
22 not claim the credit under this subsection, but the eligibility for, and the amount of,
23 the credit are based on their payment of amounts under par. (b). A partnership,
24 limited liability company, or tax-option corporation shall compute the amount of
25 credit that each of its partners, members, or shareholders may claim and shall

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1 provide that information to each of them. Partners, members of limited liability
2 companies, and shareholders of tax-option corporations may claim the credit in
3 proportion to their ownership interests.

4 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
5 s. 71.28 (4), applies to the credit under this subsection.

6 **SECTION 2116.** 71.47 (5j) of the statutes is created to read:

7 71.47 (5j) ETHANOL AND BIODIESEL FUEL PUMP CREDIT. (a) *Definitions.* In this
8 subsection:

- 9 1. “Biodiesel fuel” has the meaning given in s. 168.14 (2m) (a).
- 10 2. “Claimant” means a person who files a claim under this subsection.
- 11 3. “Motor vehicle fuel” has the meaning given in s. 78.005 (13).

12 (b) *Filing claims.* Subject to the limitations provided in this subsection, for
13 taxable years beginning after December 31, 2007, and before January 1, 2018, a
14 claimant may claim as a credit against the taxes imposed under s. 71.43, up to the
15 amount of the taxes, an amount that is equal to 25 percent of the amount that the
16 claimant paid in the taxable year to install or retrofit pumps located in this state that
17 dispense motor vehicle fuel consisting of at least 85 percent ethanol or at least 20
18 percent biodiesel fuel.

19 (c) *Limitations.* 1. The maximum amount of the credit that a claimant may
20 claim under this subsection in a taxable year is an amount that is equal to \$5,000 per
21 installed or retrofitted pump that is used as the basis for the credit claimed under
22 par. (b).

23 2. Partnerships, limited liability companies, and tax-option corporations may
24 not claim the credit under this subsection, but the eligibility for, and the amount of,
25 the credit are based on their payment of amounts under par. (b). A partnership,

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1 limited liability company, or tax-option corporation shall compute the amount of
2 credit that each of its partners, members, or shareholders may claim and shall
3 provide that information to each of them. Partners, members of limited liability
4 companies, and shareholders of tax-option corporations may claim the credit in
5 proportion to their ownership interests.

6 (d) *Administration.* Section 71.28 (4) (e) to (h), as it applies to the credit under
7 s. 71.28 (4), applies to the credit under this subsection.

8 **SECTION 2117.** 71.49 (1) (dd) of the statutes is created to read:

9 71.49 (1) (dd) Dairy manufacturing facility investment credit under s. 71.47
10 (3p).

11 **SECTION 2118.** 71.49 (1) (ds) of the statutes is created to read:

12 71.49 (1) (ds) Ethanol and biodiesel fuel pump credit under s. 71.47 (5j).

13 **SECTION 2119.** 71.49 (1) (epa) of the statutes is created to read:

14 71.49 (1) (epa) Electronic medical records credit under s. 71.47 (5i).

15 **SECTION 2120.** 71.49 (1) (epp) of the statutes is renumbered 71.49 (1) (eps) and
16 amended to read:

17 71.49 (1) (eps) Film production services credit under s. 71.47 (5f) (b) 1. and 3.

18 **SECTION 2121.** 71.49 (1) (f) of the statutes is amended to read:

19 71.49 (1) (f) The total of farmers' drought property tax credit under s. 71.47
20 (1fd), farmland preservation credit under subch. IX, farmland tax relief credit under
21 s. 71.47 (2m), enterprise zone jobs credit under s. 71.47 (3w), film production services
22 credit under s. 71.28 (5f) (b) 2., and estimated tax payments under s. 71.48.

23 **SECTION 2122.** 71.54 (2m) of the statutes is created to read:

24 71.54 (2m) INDEXING FOR INFLATION; 2008 AND THEREAFTER. (a) For taxable years
25 beginning after December 31, 2007, the dollar amount for the maximum household

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1 income under sub. (1) (f) 3. shall be increased each year by a percentage equal to the
2 percentage change between the U.S. consumer price index for all urban consumers,
3 U.S. city average, for the month of August of the previous year and the U.S. consumer
4 price index for all urban consumers, U.S. city average, for the month of August 2006,
5 as determined by the federal department of labor. The amount that is revised under
6 this paragraph shall be rounded to the nearest multiple of \$10 if the revised amount
7 is not a multiple of \$10 or, if the revised amount is a multiple of \$5, such an amount
8 shall be increased to the next higher multiple of \$10. The department of revenue
9 shall annually adjust the changes in dollar amounts required under this paragraph
10 and incorporate the changes into the income tax forms and instructions.

11 (b) The department of revenue shall annually adjust the slope under sub. (1)
12 (f) 2. such that as a claimant's income increases from the threshold income under sub.
13 (1) (f) 1. and 2., to an amount that exceeds the maximum household income as
14 calculated under par. (a), the credit that may be claimed is reduced to \$0 and the
15 department of revenue shall incorporate the changes into the income tax forms and
16 instructions.

17 **SECTION 2123.** 71.60 (1) (b) of the statutes is amended to read:

18 71.60 (1) (b) The credit allowed under this subchapter shall be limited to 90%
19 of the first \$2,000 of excessive property taxes plus 70% of the 2nd \$2,000 of excessive
20 property taxes plus 50% of the 3rd \$2,000 of excessive property taxes. The maximum
21 credit shall not exceed \$4,200 for any claimant. The credit for any claimant shall be
22 the greater of either the credit as calculated under this subchapter as it exists at the
23 end of the year for which the claim is filed or as it existed on the date on which the
24 farmland became subject to a current agreement under subch. II ~~or~~ III of ch. 91 or

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1 under subch. III of ch. 91, 2005 stats., using for such calculations household income
2 and property taxes accrued of the year for which the claim is filed.

3 **SECTION 2124.** 71.60 (1) (c) 3. of the statutes is amended to read:

4 71.60 (1) (c) 3. If the claimant or any member of the claimant's household owns
5 farmland which is ineligible for credit under subd. 1. or 2. but was subject to a
6 farmland preservation agreement under subch. III of ch. 91, 2005 stats., on July 1
7 of the year for which credit is claimed, or the owner had applied for such an
8 agreement before July 1 of such year and the agreement has subsequently been
9 executed, and if the owner has applied by the end of the year in which conversion
10 under s. 91.41, 2005 stats., is first possible for conversion of the agreement to a
11 transition area agreement under subch. II of ch. 91, and the transition area
12 agreement has subsequently been executed, and the farmland is located in a city or
13 village which has a certified exclusive agricultural use zoning ordinance under
14 subch. V of ch. 91 in effect at the close of the year for which credit is claimed, or in
15 a town which is subject to a certified county exclusive agricultural use zoning
16 ordinance under subch. V of ch. 91 in effect at the close of the year for which credit
17 is claimed, the amount of the claim shall be that specified in par. (b).

18 **SECTION 2125.** 71.60 (1) (c) 5. of the statutes is amended to read:

19 71.60 (1) (c) 5. If the claimant or any member of the claimant's household owns
20 farmland which is ineligible for credit under subds. 1. to 4. but was subject to a
21 farmland preservation agreement under subch. III of ch. 91, 2005 stats., on July 1
22 of the year for which credit is claimed, or the owner had applied for such an
23 agreement before July 1 of such year and the agreement has subsequently been
24 executed, and if the owner has applied by the end of the year in which conversion
25 under s. 91.41, 2005 stats., is first possible for conversion of the agreement to an

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1 agreement under subch. II of ch. 91, and the agreement under subch. II of ch. 91 has
2 subsequently been executed, the amount of the claim shall be limited to 80% of that
3 specified in par. (b).

4 **SECTION 2126.** 71.60 (1) (c) 8. of the statutes is amended to read:

5 71.60 (1) (c) 8. If the farmland is subject to a farmland preservation agreement
6 under subch. III of ch. 91, 2005 stats., on July 1 of the year for which credit is claimed
7 or the claimant had applied for such an agreement before July 1 of such year and the
8 agreement has subsequently been executed, the amount of the claim shall be limited
9 to 50% of that specified in par. (b).

10 **SECTION 2127.** 71.738 (1d) of the statutes is repealed.

11 **SECTION 2128.** 71.738 (2d) of the statutes is repealed.

12 **SECTION 2129.** 71.74 (14) of the statutes is amended to read:

13 71.74 (14) **ADDITIONAL REMEDY TO COLLECT TAX.** The department may also
14 proceed under s. 71.91 (5) for the collection of any additional assessment of income
15 or franchise taxes or surtaxes, after notice thereof has been given under sub. (11) and
16 before the same shall have become delinquent, when it has reasonable grounds to
17 believe that the collection of such additional assessment will be jeopardized by delay.
18 In such cases notice of the intention to so proceed shall be given by registered mail
19 to the taxpayer, and the warrant of the department shall not issue if the taxpayer
20 within 10 days after such notice furnishes a bond in such amount, not exceeding
21 double the amount of the tax, and with such sureties as the department shall
22 approve, conditioned upon the payment of so much of the additional taxes as shall
23 finally be determined to be due, together with interest thereon as provided by s. 71.82
24 (1) (a). Nothing in this subsection shall affect the review of additional assessments
25 provided by ss. 71.88 (1) (a) and (2) (a), 71.89 (2), 73.01, and 73.015, and any amounts

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1 collected under this subsection shall be deposited with the secretary of
2 administration department and disbursed after final determination of the taxes as
3 are amounts deposited under s. 71.90 (2).

4 **SECTION 2130.** 71.765 of the statutes is repealed.

5 **SECTION 2131.** 71.775 (3) (a) 2. of the statutes is amended to read:

6 71.775 (3) (a) 2. The ~~partner, member, shareholder, or beneficiary has no~~
7 Wisconsin income other than his or her partner's, member's, shareholder's, or
8 beneficiary's share of income from the pass-through entity that is attributable to this
9 state and ~~his or her share of such income~~ is less than \$1,000.

10 **SECTION 2132.** 71.775 (3) (a) 3. of the statutes is created to read:

11 71.775 (3) (a) 3. The nonresident partner, member, shareholder, or beneficiary
12 files an affidavit with the department, in the form and manner prescribed by the
13 department, whereby the nonresident partner, member, shareholder, or beneficiary
14 agrees to file a Wisconsin income or franchise tax return and be subject to the
15 personal jurisdiction of the department, the tax appeals commission, and the courts
16 of this state for the purpose of determining and collecting Wisconsin income and
17 franchise taxes, including estimated tax payments, together with any related
18 interest and penalties.

19 **SECTION 2133.** 71.775 (4) (b) 2. of the statutes is amended to read:

20 71.775 (4) (b) 2. ~~A pass-through entity that pays the tax withheld under sub.~~
21 ~~(2) as provided under subd. 1. is not subject to an underpayment of estimated tax~~
22 ~~under s. 71.09 or 71.29, if 90 percent of the tax that is due for the current taxable year~~
23 ~~is paid by the unextended due date or if 100 percent of the tax that is due for the~~
24 ~~taxable year immediately preceding the current taxable year is paid by the~~
25 ~~unextended due date and the taxable year immediately preceding the current~~

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1 ~~taxable year was a 12-month period.~~ Interest at the rate of 12 percent shall be
2 imposed on the unpaid amount of the tax withheld due under sub. (2) during any
3 extension period and interest at the rate of 18 percent shall be imposed on the unpaid
4 amount of the tax withheld due under sub. (2) for the period beginning with the
5 extended due date and ending with the date that the unpaid amount is paid in full.

6 **SECTION 2134.** 71.775 (4) (d) of the statutes is amended to read:

7 71.775 (4) (d) A nonresident partner, member, shareholder, or beneficiary of a
8 pass-through entity may claim a credit, as prescribed by the department, on his or
9 her Wisconsin income or franchise tax return for the amount withheld under sub. (2)
10 on his or her behalf for the tax period for which the income of the pass-through entity
11 is reported. For purposes of this paragraph determining whether interest under s.
12 71.84 applies to a nonresident partner, member, shareholder, or beneficiary, the
13 amount withheld under sub. (2) is considered to be paid ~~on the last day of the~~
14 ~~pass-through entity's taxable year for which the tax is paid~~ in 4 equal quarterly
15 installments.

16 **SECTION 2135.** 71.775 (4) (f) of the statutes is amended to read:

17 71.775 (4) (f) If a pass-through entity subject to withholding under this section
18 fails to ~~withhold~~ pay the tax as required by this section, the pass-through entity shall
19 be liable for any tax, interest, and penalties. If a nonresident partner, member,
20 shareholder, or beneficiary of the pass-through entity files a return and pays the tax
21 due, the pass-through entity shall not be liable for the tax, but shall be liable for ~~any~~
22 ~~interest and penalties otherwise applicable for failure to withhold,~~ as the penalty
23 provided under ss. 71.82 (2) (d) and s. 71.83 (1) (a) 1.

24 **SECTION 2136.** 71.80 (20) of the statutes is amended to read:

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1 71.80 (20) ~~MAGNETIC MEDIA~~ ELECTRONIC FILING. If the internal revenue service
2 requires a person to file information returns or wage statements ~~on magnetic media~~
3 ~~or in other machine-readable form~~ electronically for federal income tax purposes, the
4 person shall also file the comparable state information returns or wage statements
5 ~~on magnetic media or in other machine-readable form~~ electronically with the
6 department of revenue for income or franchise tax purposes.

7 **SECTION 2137.** 71.805 of the statutes is created to read:

8 **71.805 Tax avoidance transactions voluntary compliance program. (1)**

9 DEFINITIONS. In this section:

10 (a) “Tax avoidance transaction” means a transaction, plan, or arrangement
11 devised for the principal purpose of avoiding federal or Wisconsin income or
12 franchise tax and that is a reportable transaction as provided under U.S. department
13 of the treasury regulations as of the effective date of this paragraph [revisor
14 inserts date].

15 (b) “Taxpayer” means a person who is subject to the taxes imposed under this
16 chapter and who has a tax liability attributable to using a tax avoidance transaction
17 for any taxable year beginning before January 1, 2007.

18 **(2) PENALTY WAIVER OR ABATEMENT.** All of the following apply with regard to a
19 taxpayer who satisfies the conditions under sub. (3):

20 (a) Except as provided under sub. (4) (b), the department shall waive or abate
21 all penalties that are applicable to the underreporting or underpayment of Wisconsin
22 income or franchise taxes attributable to using a tax avoidance transaction for any
23 taxable year for which the taxpayer satisfies the conditions under sub. (3).

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1 (b) The department shall not seek a criminal prosecution against the taxpayer
2 with respect to using a tax avoidance transaction for any taxable year for which the
3 taxpayer satisfies the conditions under sub. (3).

4 **(3) TAXPAYER ELIGIBILITY.** A taxpayer is eligible for the benefits described under
5 sub. (2) (a) and (b), if, during the period beginning on October 1, 2007, and ending
6 on December 31, 2007, the taxpayer does the following:

7 (a) Files an amended Wisconsin tax return for each taxable year for which the
8 taxpayer has previously filed a Wisconsin tax return that uses a tax avoidance
9 transaction to underreport the taxpayer's Wisconsin income or franchise tax liability
10 and the amended return reports the total Wisconsin net income and tax for the
11 taxable year, computed without regard to any tax avoidance transaction and without
12 regard to any other adjustment that is unrelated to any tax avoidance transaction.

13 (b) Pays, in full, for each taxable year for which an amended return is filed
14 under par. (a), the entire amount of Wisconsin income or franchise tax and interest
15 due that is attributable to using a tax avoidance transaction.

16 **(4) LIMITATIONS AND ADMINISTRATION.** (a) A taxpayer who receives the benefits
17 described under sub. (2) may not file an appeal or a claim for credit or refund with
18 respect to the tax avoidance transactions for the taxable years for which the taxpayer
19 satisfied the conditions under sub. (3).

20 (b) The department may not waive or abate a penalty as provided under sub.
21 (2) (a) if the penalty relates to an amount of Wisconsin income and franchise tax that
22 is attributable to a tax avoidance transaction and assessed or paid prior to October
23 1, 2007, or after December 31, 2007.

24 (c) Notwithstanding the other provisions of this section, a transaction does not
25 have to be a reportable transaction as provided under U.S. department of the

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1 treasury regulations in order for the department to examine the transaction with
2 regard to its principal purpose.

3 (d) A taxpayer who files an amended return under sub. (3) (a) may file a
4 separate amended return with respect to adjustments that are unrelated to any tax
5 avoidance transaction.

6 (e) The department shall promulgate rules, publish forms and instructions,
7 and take any other action necessary to implement and administer this section.

8 **SECTION 2138.** 71.81 of the statutes is created to read:

9 **71.81 Disclosing reportable transactions. (1) DEFINITIONS.** In this section:

10 (a) “Listed transaction” means any reportable transaction that is the same as,
11 or substantially similar to, a transaction, plan, or arrangement specifically identified
12 by the U.S. secretary of the treasury as a listed transaction, for purposes of section
13 6011 of the Internal Revenue Code, that occurred on or after January 1, 2002, and
14 that is specifically identified by the U.S. secretary of the treasury as a listed
15 transaction on or after the date the transaction occurred.

16 (b) “Material advisor” means any person who provides any material aid,
17 assistance, or advice with respect to organizing, managing, promoting, selling,
18 implementing, insuring, or carrying out any reportable transaction and who, directly
19 or indirectly, derives gross income from providing such aid, assistance, or advice in
20 an amount that exceeds the threshold amount.

21 (c) “Reportable transaction” means any transaction, plan, or arrangement,
22 including a listed transaction, for which a taxpayer is required to submit information
23 to the department because the taxpayer is required to disclose the transaction, plan,
24 or arrangement for federal income tax purposes, as provided under U.S. department
25 of treasury regulations.

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1 (d) “Tax shelter” means any entity, plan, or arrangement, if avoiding or evading
2 federal income tax or Wisconsin income or franchise tax is a significant purpose of
3 the entity, plan, or arrangement.

4 (e) “Threshold amount” means the following:

5 1. In the case of a reportable transaction, not including a listed transaction,
6 from which a substantial part of the tax benefits are provided to an individual,
7 \$50,000.

8 2. In the case of a listed transaction from which a substantial part of the tax
9 benefits are provided to an individual, \$10,000.

10 3. In the case of a reportable transaction, not including a listed transaction,
11 from which a substantial part of the tax benefits are provided to an entity and not
12 an individual, \$250,000.

13 4. In the case of a listed transaction, from which a substantial part of the tax
14 benefits are provided to an entity and not an individual, \$25,000.

15 **(2) DISCLOSURE.** For each taxable year in which a taxpayer has participated in
16 a reportable transaction, the taxpayer shall file with the department a copy of any
17 form prescribed by the internal revenue service for disclosing a reportable
18 transaction for federal income tax purposes no later than 60 days after the date for
19 which the taxpayer is required to file the form for federal income tax purposes, except
20 that, if the taxpayer has filed a form with the internal revenue service on or before
21 the effective date of this subsection [revisor inserts date], the taxpayer shall file
22 a copy of the form with the department no later than December 31, 2007. The
23 department may require that forms filed with the department under this subsection
24 be filed separately from this state’s income or franchise tax return. This subsection
25 applies to any reportable transaction entered into on or after January 1, 2002, for any

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1 taxable year for which the transaction remains undisclosed and for which the statute
2 of limitations on assessment, including any extension provided under sub. (6), has
3 not expired as of the date that is 60 days after the effective date of this subsection
4 [revisor inserts date].

5 **(3) PENALTY FOR FAILING TO DISCLOSE.** (a) Any taxpayer who does not file the
6 form under sub. (2) and who is required to file the form is subject to the following
7 penalty:

8 1. If the taxpayer participated in a reportable transaction that is not a listed
9 transaction, the lesser of \$15,000 or 10 percent of the tax benefit obtained from the
10 reportable transaction.

11 2. If the taxpayer participated in a listed transaction, \$30,000.

12 (b) The secretary of revenue may waive or abate any penalty imposed under
13 this subsection, or any portion of such penalty, related to a reportable transaction
14 that is not a listed transaction, if the waiver or abatement promotes compliance with
15 this section and effective tax administration.

16 (c) The penalties imposed under this subsection apply to any failure to disclose
17 a listed transaction entered into on or after January 1, 2002, including transactions
18 that were not listed transactions when entered into, but became listed transactions
19 before the effective date of this paragraph [revisor inserts date], or any other
20 reportable transaction entered into after the effective date of this paragraph
21 [revisor inserts date], for any taxable year for which the statute of limitations on
22 assessment, including any extension under sub. (6), has not expired as of the effective
23 date of this paragraph [revisor inserts date].

24 **(4) UNDERSTATEMENT PENALTY.** (a) If a taxpayer has a reportable transaction
25 understatement, as determined in par. (b), the taxpayer shall pay, in addition to any

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1 tax owed with regard to the reportable transaction, an amount equal to either 20
2 percent of the reportable transaction understatement or, in the case of a reportable
3 transaction that is not disclosed as provided in sub. (2), 30 percent of the reportable
4 transaction understatement.

5 (b) A taxpayer has a reportable transaction understatement if the following
6 calculation results in a positive number:

7 1. Multiply the taxpayer's highest applicable tax rate under s. 71.06, 71.27, or
8 71.46, by the amount of any increase in Wisconsin taxable income that results from
9 the difference between the proper tax treatment of a reportable transaction and the
10 taxpayer's treatment of the transaction as shown on the taxpayer's tax return,
11 including any amended return the taxpayer files before the date on which the
12 department first contacts the taxpayer regarding an examination of the taxable year
13 for which the amended return is filed. For purposes of this subdivision, the amount
14 of any increase in Wisconsin taxable income for a taxable year includes any reduction
15 in the amount of loss available for carry-forward to the subsequent year.

16 2. Add the amount determined under subd. 1. to the amount of any decrease
17 in the aggregate amount of Wisconsin income or franchise tax credits that results
18 from the difference between the proper tax treatment of a reportable transaction and
19 the taxpayer's treatment of the transaction as shown on the taxpayer's tax return.

20 (c) The secretary of revenue may waive or abate any penalty imposed under this
21 subsection, or any portion of such penalty, if the taxpayer demonstrates to the
22 department that the taxpayer had reasonable cause to act the way the taxpayer did,
23 and in good faith, with regard to the tax treatment for which the taxpayer is subject
24 to a penalty under this subsection and all facts relevant to the tax treatment are
25 adequately disclosed in the filing under sub. (2), except that, if the taxpayer does not

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1 fully disclose such facts under sub. (2), the taxpayer's penalty may be waived or
2 abated under this paragraph if the taxpayer demonstrates to the department that
3 the taxpayer reasonably believed that the tax treatment for which the taxpayer is
4 subject to a penalty under this subsection was more likely than not the proper
5 treatment and substantial authority exists or existed for the tax treatment for which
6 the taxpayer is subject to a penalty under this subsection.

7 (d) The penalties under par. (a) apply to any reportable transaction
8 understatement from a reportable transaction, including a listed transaction,
9 entered into on or after January 1, 2002, for any taxable year for which the statute
10 of limitations on assessment, including any extension provided under sub. (6), has
11 not expired as of the effective date of this paragraph [revisor inserts date].

12 (5) ADDITIONAL UNDERSTATEMENT PENALTY. (a) 1. A taxpayer who files an
13 amended return after December 31, 2007, and before the taxpayer is contacted by the
14 internal revenue service or the department regarding a reportable transaction is
15 subject to a penalty in an amount equal to 50 percent of the interest assessed under
16 s. 71.82 on any reportable transaction understatement, as determined under sub. (4)
17 (b), for the tax period for which the taxpayer files an amended return.

18 2. If the internal revenue service or the department contacts a taxpayer after
19 December 31, 2007, regarding a reportable transaction and the taxpayer is contacted
20 before the taxpayer files an amended return with respect to that transaction, the
21 taxpayer is subject to a penalty in an amount equal to the interest assessed under
22 s. 71.82 on any reportable transaction understatement, as determined under sub. (4)
23 (b), for the tax period for which the internal revenue service or the department
24 contacts the taxpayer.

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1 (b) The penalties under par. (a) apply to any reportable transaction
2 understatement resulting from a reportable transaction, including a listed
3 transaction, entered into on or after January 1, 2002, for any taxable year for which
4 the statute of limitations on assessment, including any extension provided under
5 sub. (6), has not expired as of the effective date of this paragraph [revisor inserts
6 date].

7 (c) The secretary of revenue may waive or abate any penalty imposed under this
8 subsection, or any portion of such penalty, if the taxpayer demonstrates to the
9 department that the taxpayer had reasonable cause to act the way the taxpayer did,
10 and in good faith, with regard to the tax treatment for which the taxpayer is subject
11 to a penalty under this subsection and all facts relevant to the tax treatment are
12 adequately disclosed in the filing under sub. (2), except that, if the taxpayer does not
13 fully disclose such facts under sub. (2), the taxpayer's penalty may be waived or
14 abated under this paragraph if the taxpayer demonstrates to the department that
15 the taxpayer reasonably believed that the tax treatment for which the taxpayer is
16 subject to a penalty under this subsection was more likely than not the proper
17 treatment and substantial authority exists or existed for the tax treatment for which
18 the taxpayer is subject to a penalty under this subsection.

19 **(6) STATUTE OF LIMITATIONS EXTENSION.** (a) Except as provided in par. (b), if a
20 taxpayer fails to provide any information regarding a reportable transaction, other
21 than a listed transaction, under sub. (2), the time for assessing any tax imposed
22 under this chapter with respect to that transaction shall expire no later than the date
23 that is 6 years after the date on which the return for the taxable year in which the
24 reportable transaction occurred was filed. If a taxpayer fails to provide any
25 information regarding a listed transaction, under sub. (2), the time for assessing any

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1 tax imposed under this chapter with respect to that transaction shall expire on the
2 latest of the following dates:

3 1. The date that is 6 years after the date on which the return for the taxable
4 year in which the listed transaction occurred was filed.

5 2. The date that is 12 months after the date on which the taxpayer provides
6 information regarding the listed transaction under sub. (2).

7 3. The date that is 12 months after the date on which the taxpayer's material
8 advisor provides, at the department's request, the list described in sub. (7) (b).

9 4. The date that is 4 years after the date on which the department discovers
10 a listed transaction that was a listed transaction on the date the transaction occurred
11 for which the taxpayer did not provide the information described under sub. (2) or
12 for which the taxpayer's material advisor did not provide the information described
13 under sub (7) (b).

14 (b) Any limitation determined under par. (a) may be extended by a written
15 agreement between the taxpayer and the department as provided under s. 71.77 (5).

16 **(7) MATERIAL ADVISOR.** (a) Each material advisor who is required to disclose a
17 reportable transaction under section 6111 of the Internal Revenue Code shall file a
18 copy of the disclosure with the department no later than 60 days after the date for
19 which the material advisor is required to file the disclosure with the internal revenue
20 service, except that, if a material advisor files the disclosure with the internal
21 revenue service on or before the effective date of this paragraph [revisor inserts
22 date], the material advisor shall file a copy of the disclosure with the department no
23 later than December 31, 2007.

24 (b) Each material advisor shall maintain a list that identifies each Wisconsin
25 taxpayer for whom the person provided services as a material advisor with respect

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1 to a reportable transaction, regardless of whether the taxpayer is required to file the
2 form under sub. (2). Any material advisor who is required to maintain a list under
3 this paragraph shall provide the list to the department after receiving the
4 department's written request to provide the list and shall retain the information
5 contained in the list for 7 years or for the period determined by the department by
6 rule. If 2 or more material advisors are required under this paragraph to maintain
7 identical lists, the department may provide that only one of the material advisors
8 maintain the list.

9 (c) This subsection applies to reportable transactions, not including listed
10 transactions, for which a material advisor provides services after the effective date
11 of this paragraph [revisor inserts date], and listed transactions for which a
12 material advisor provides services, and were entered into, on or after January 1,
13 2002, regardless of when the transactions became listed transactions.

14 **(8) MATERIAL ADVISOR PENALTIES.** (a) If a person who is required to file a
15 disclosure with the department as provided under sub. (7) (a) fails to file the
16 disclosure or files a disclosure containing false or incomplete information, the person
17 is subject to a penalty equal to the following amounts:

18 1. If the disclosure relates to a reportable transaction that is not a listed
19 transaction, \$15,000.

20 2. If the disclosure relates to a listed transaction, \$100,000.

21 (b) Any person who is required to maintain a list under sub. (7) (b) and who fails
22 to provide the list to the department no later than 20 business days after the date on
23 which the person receives the department's request to provide the list, as provided
24 under sub. (7) (b), shall pay a penalty to the department in an amount that is equal
25 to \$10,000 for each day that the person does not provide the list, beginning with the

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1 day that is 21 business days after the date on which the person receives the
2 department's request.

3 (c) The secretary of revenue may waive or abate any penalty imposed under this
4 subsection, or any portion of such penalty, related to a reportable transaction that
5 is not a listed transaction, if the waiver or abatement promotes compliance with this
6 section and effective tax administration or, with regard to the penalty imposed under
7 par. (b), if, on each day after the time for providing the list without incurring a
8 penalty has expired, the person demonstrates to the department that the person's
9 failure to provide the list on that day is because of reasonable cause.

10 **(9) TAX SHELTER PROMOTION.** (a) Beginning on the effective date of this
11 paragraph [revisor inserts date], any person who organizes or assists in
12 organizing a tax shelter, or directly or indirectly participates in the sale of any
13 interest in a tax shelter, and who makes or provides or causes another person to make
14 or provide, in connection with such organization or sale, a statement that the person
15 knows or has reason to know is false or fraudulent as to any material matter
16 regarding the allowability of any tax deduction or credit, the excludability of any
17 income, the manipulation of any allocation or apportionment rule, or the securing of
18 any other tax benefit resulting from holding an interest in the entity or participating
19 in the plan or arrangement, shall pay a penalty to the department, with respect to
20 each sale or act of organization described under this paragraph, in an amount equal
21 to 50 percent of the person's gross income derived from the sale or act.

22 (b) For purposes of administering this chapter, beginning on the effective date
23 of this paragraph [revisor inserts date], a written communication between a tax
24 practitioner and any person, director, officer, employee, agent, or representative of
25 the person, or any other person holding a capital or profits interest in the person,

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1 regarding the promotion of the person's direct or indirect participation in any tax
2 shelter is not considered a confidential or privileged communication.

3 **(11)** INJUNCTION. The department may commence an action in the circuit court
4 of Dane County to enjoin a person from taking any action, or failing to take any
5 action, that is subject to a penalty under this section or in violation of this section or
6 any rules that the department promulgates pursuant to this section.

7 **SECTION 2139.** 71.83 (1) (a) 1. of the statutes is amended to read:

8 71.83 **(1)** (a) 1. 'Failure to file.' In case of failure to file any return required
9 under s. 71.03, 71.24 ~~or~~, 71.44, or 71.775 on the due date prescribed therefor,
10 including any applicable extension of time for filing, unless it is shown that the
11 failure is due to reasonable cause and not due to willful neglect, there shall be added
12 to the amount required to be shown as tax on the return 5% of the amount of the tax
13 if the failure is for not more than one month, with an additional 5% for each
14 additional month or fraction thereof during which the failure continues, not
15 exceeding 25% in the aggregate. For purposes of this subdivision, the amount of tax
16 required to be shown on the return shall be reduced by the amount of any part of the
17 tax which is paid on or before the due date prescribed for payment and by the amount
18 of any credit against the tax which may be claimed upon the return.

19 **SECTION 2140.** 71.90 (2) of the statutes is amended to read:

20 71.90 **(2)** ~~DEPOSIT WITH THE SECRETARY OF ADMINISTRATION~~ DEPARTMENT. At any
21 time while the petition is pending before the tax appeals commission or an appeal
22 in regard to that petition is pending in a court, the taxpayer may offer to deposit the
23 entire amount of the additional taxes, penalties, and fines, together with interest,
24 with the secretary of administration. ~~If an offer to deposit is made, the department~~
25 ~~of revenue shall issue a certificate to the secretary of administration authorizing the~~

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1 ~~secretary to accept payment of such taxes together with interest to the first day of~~
2 ~~the succeeding month and to give a receipt. A copy of the certificate shall be mailed~~
3 ~~to the taxpayer who shall pay the taxes and interest to the secretary of~~
4 ~~administration within 30 days. A copy of the receipt of the secretary of~~
5 ~~administration shall be filed with the department. The department shall, upon final~~
6 ~~determination of the appeal, certify to the secretary of administration the amount~~
7 ~~of the taxes as finally determined and direct the secretary of administration to refund~~
8 ~~to the appellant any portion of such payment which has been found to have been~~
9 ~~improperly assessed, including interest. The secretary of administration shall make~~
10 ~~the refunds directed by the certificate within 30 days after receipt. Taxes paid to the~~
11 ~~secretary of administration under this subsection shall be subject to the interest~~
12 ~~provided by ss. 71.82 and 71.91 (1) (c) only to the extent of the interest accrued on~~
13 ~~the taxes prior to the first day of the month succeeding the application for hearing.~~
14 ~~Any portion of the amount deposited with the secretary of administration which is~~
15 ~~refunded to the taxpayer shall bear interest at the rate of 9% per year during the time~~
16 ~~that the funds are on deposit.~~

17 **SECTION 2141.** 71.93 (1) (a) 2. of the statutes is amended to read:

18 71.93 (1) (a) 2. A delinquent child support or spousal support obligation that
19 has been reduced to a judgment and has been submitted by an agency of another
20 state to the department of workforce development children and families for
21 certification under this section.

22 **SECTION 2142.** 71.93 (1) (a) 4. of the statutes is amended to read:

23 71.93 (1) (a) 4. An amount that the department of workforce development
24 children and families may recover under s. 49.161 or 49.195 (3) or collect under s.

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1 49.147 (6) (cm), if the department of ~~workforce development~~ children and families
2 has certified the amount under s. 49.85.

3 **SECTION 2143.** 73.01 (4) (b) of the statutes is amended to read:

4 73.01 (4) (b) Any matter required to be heard by the commission may be heard
5 by any member of the commission or its a hearing examiner and reported to the
6 commission, and hearings of matters pending before it shall be assigned to members
7 of the commission or its the hearing examiner by the chairperson. Cases other than
8 small claims cases shall be decided by the full commission, except that if one or more
9 members of the commission are unavailable, cases other than small claims cases
10 shall be decided by the member or members assigned by the chairperson prior to the
11 hearing. If the parties have agreed to an oral decision, the member or members
12 conducting the hearing may render an oral decision. Hearings shall be open to the
13 public and all proceedings shall be conducted in accordance with rules of practice and
14 procedure prescribed by the commission. Small claims cases shall be decided by one
15 commissioner assigned by the chairperson prior to the hearing.

16 **SECTION 2144.** 73.01 (4m) (b) of the statutes is amended to read:

17 73.01 (4m) (b) No member of the commission, including the chairperson, or its
18 a hearing examiner may receive any salary unless he or she first executes an
19 affidavit at the end of each salary period stating that he or she has complied with the
20 deadlines in par. (a). The affidavit shall be presented to and filed with every official
21 who certifies, in whole or in part, the salary.

22 **SECTION 2145.** 73.01 (4m) (c) of the statutes is amended to read:

23 73.01 (4m) (c) If a member of the commission, including the chairperson, or its
24 a hearing examiner is unable to comply with the deadline under par. (a), that person

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1 shall so certify in the record, and the period is then extended for one additional period
2 not to exceed 90 days.

3 **SECTION 2146.** 73.03 (2a) of the statutes is amended to read:

4 73.03 (2a) To prepare, ~~have published and distribute to each property tax~~
5 ~~assessor and to others who so request~~ and publish, in electronic form and on the
6 Internet, assessment manuals. The manual shall discuss and illustrate accepted
7 assessment methods, techniques and practices with a view to more nearly uniform
8 and more consistent assessments of property at the local level. The manual shall be
9 amended by the department from time to time to reflect advances in the science of
10 assessment, court decisions concerning assessment practices, costs, and statistical
11 and other information considered valuable to local assessors by the department. The
12 manual shall incorporate standards for the assessment of all types of renewable
13 energy resource systems used in this state as soon as such systems are used in
14 sufficient numbers and sufficient data exists to allow the formulation of valid
15 guidelines. The manual shall incorporate standards, which the department of
16 revenue and the state historical society of Wisconsin shall develop, for the
17 assessment of nonhistoric property in historic districts and for the assessment of
18 historic property, including but not limited to property that is being preserved or
19 restored; property that is subject to a protective easement, covenant or other
20 restriction for historic preservation purposes; property that is listed in the national
21 register of historic places in Wisconsin or in this state's register of historic places and
22 property that is designated as a historic landmark and is subject to restrictions
23 imposed by a municipality or by a landmarks commission. The manual shall
24 incorporate general guidelines about ways to determine whether property is taxable
25 in part under s. 70.1105 and examples of the ways that s. 70.1105 applies in specific

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1 situations. The manual shall state that assessors are required to comply with s. 70.32
2 (1g) and shall suggest procedures for doing so. The manual or a supplement to it shall
3 specify per acre value guidelines for each municipality for various categories of
4 agricultural land based on the income that could be generated from its estimated
5 rental for agricultural use, as defined by rule, and capitalization rates established
6 by rule. The manual shall include guidelines for classifying land as agricultural
7 land, as defined in s. 70.32 (2) (c) 1g., and guidelines for distinguishing between land
8 and improvements to land. The cost of the development, preparation, and Internet
9 ~~publication and distribution~~ of the manual and of revisions and amendments to it
10 shall be borne by the assessors and requesters at an individual volume cost or a
11 ~~subscription cost as determined by the department. All receipts shall be credited to~~
12 paid from the appropriation under s. 20.566 (2) (hi). ~~The department may provide~~
13 ~~free assessment manuals to other state agencies or exchange them at no cost with~~
14 ~~agencies of other states or of the federal government for similar information or~~
15 ~~publications~~ (b).

16 **SECTION 2147.** 73.03 (28e) of the statutes is created to read:

17 73.03 (28e) To participate as a member state of the streamlined sales tax
18 governing board which administers the agreement, as defined in s. 77.65 (2) (a), and
19 includes having the governing board enter into contracts that are necessary to
20 implement the agreement on behalf of the member states, and to allocate a portion
21 of the amount collected under ch. 77 through the agreement to the appropriation
22 under s. 20.566 (1) (ho) to pay the dues necessary to participate in the governing
23 board. The department shall allocate the remainder of such collections to the general
24 fund.

25 **SECTION 2148.** 73.03 (50) (c) of the statutes is amended to read:

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1 73.03 (50) (c) In the case of an applicant who is an individual and who has a
2 social security number, sets forth the social security number of the applicant or, in
3 the case of an applicant who is an individual and who does not have a social security
4 number, submits a statement made or subscribed under oath or affirmation that the
5 applicant does not have a social security number. The form of the statement shall
6 be prescribed by the department of ~~workforce development~~ children and families. A
7 certificate issued in reliance upon a false statement submitted under this paragraph
8 is invalid.

9 **SECTION 2149.** 73.03 (50) (d) of the statutes is amended to read:

10 73.03 (50) (d) In the case of a sole proprietor, signs the form or, in the case of
11 other persons, has an individual who is authorized to act on behalf of the person sign
12 the form, or, in the case of a single-owner entity that is disregarded as a separate
13 entity under section 7701 of the Internal Revenue Code, the person is the owner. Any
14 person who may register under this subsection may designate an agent, as defined
15 in s. 77.524 (1) (ag), to register with the department under this subsection in the
16 manner prescribed by the department. In this paragraph, “sign” has the meaning
17 given in s. 77.51 (17r).

18 **SECTION 2150.** 73.03 (50b) of the statutes is created to read:

19 73.03 (50b) To waive the fee established under sub. (50) for applying for and
20 renewing the business tax registration certificate, if the person who is applying for
21 or renewing the certificate is not required for purposes of ch. 77 to hold such a
22 certificate.

23 **SECTION 2151.** 73.03 (50m) of the statutes is amended to read:

24 73.03 (50m) To enter into a memorandum of understanding with the
25 department of ~~workforce development~~ children and families under s. 49.857. The

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1 department of revenue shall suspend, refuse to issue or refuse to renew any
2 certificate issued under sub. (50) as provided in the memorandum of understanding
3 entered into under s. 49.857. Notwithstanding ss. 71.78 and 77.61 (5), the
4 department of revenue shall disclose to the department of ~~workforce development~~
5 children and families the social security number of any applicant for a certificate
6 issued under sub. (50) as provided in the memorandum of understanding.

7 **SECTION 2152.** 73.03 (52n) of the statutes is created to read:

8 73.03 (**52n**) To enter into agreements with federally recognized tribes located
9 in this state that provide for offsetting state tax refunds against tribal obligations
10 and to charge a fee up to \$25 per transaction for such setoffs. Any legal proceeding
11 to contest a setoff under this subsection shall be commenced only under the process
12 established by the tribe.

13 **SECTION 2153.** 73.03 (61) of the statutes is created to read:

14 73.03 (**61**) To do all of the following related to the Uniform Sales and Use Tax
15 Administration Act:

16 (a) Certify compliance with the agreement, as defined in s. 77.65 (2) (a).

17 (b) Pursuant to the agreement, as defined in s. 77.65 (2) (a), certify certified
18 service providers, as defined in s. 77.51 (1g), and certified automated systems, as
19 defined in s. 77.524 (1) (am).

20 (c) Consistent with the agreement, as defined in s. 77.65 (2) (a), establish
21 performance standards and eligibility criteria for a seller that sells tangible personal
22 property or taxable services in at least 5 states that are signatories to the agreement,
23 as defined in s. 77.65 (2) (a); that has total annual sales revenue of at least
24 \$500,000,000; that has a proprietary system that calculates the amount of tax owed
25 to each taxing jurisdiction in which the seller sells tangible personal property or

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1 taxable services; and that has entered into a performance agreement with the states
2 that are signatories to the agreement, as defined in s. 77.65 (2) (a). For purposes of
3 this paragraph, “seller” includes an affiliated group of sellers using the same
4 proprietary system to calculate the amount of tax owed in each taxing jurisdiction
5 in which the sellers sell tangible personal property or taxable services.

6 (d) Issue a tax identification number to a person who claims an exemption
7 under subch. III or V of ch. 77 and who is not required to register with the department
8 for the purposes of subch. III or V of ch. 77 and establish procedures for the
9 registration of such a person.

10 (e) Maintain a database that is accessible to sellers and certified service
11 providers, as defined in s. 77.51 (1g), that indicates whether items defined in
12 accordance with the Uniform Sales and Use Tax Administration Act are taxable or
13 nontaxable.

14 (f) Maintain a database that is accessible to sellers and certified service
15 providers, as defined in s. 77.51 (1g), and available in a downloadable format, that
16 indicates tax rates, taxing jurisdiction boundaries, and zip code or address
17 assignments related to the administration of taxes imposed under subchs. III and V
18 of ch. 77.

19 (g) Set forth the information that the seller shall provide to the department for
20 tax exemptions claimed by purchasers and establish the manner in which a seller
21 shall provide such information to the department.

22 (h) Provide monetary allowances, in addition to the retailer’s discount provided
23 under s. 77.61 (4) (c), to certified service providers, as defined in s. 77.51 (1g), and
24 sellers that use certified automated systems, as defined in s. 77.524 (1) (am), or
25 proprietary systems, pursuant to the agreement as defined in s. 77.65 (2) (a).

SENATE BILL 40**SECTION 2154**

1 **SECTION 2154.** 73.03 (63) of the statutes is created to read:

2 73.03 **(63)** Notwithstanding the amount limitations specified under ss. 71.07
3 (5b) (c) 1. and (5d) (c) 1., 71.28 (5b) (c) 1., 71.47 (5b) (c) 1., and 560.205 (3) (d), in
4 consultation with the department of commerce, to carry forward to subsequent
5 taxable years unclaimed credit amounts of the early stage seed investment credits
6 under ss. 71.07 (5b), 71.28 (5b), and 71.47 (5b) and the angel investment credit under
7 s. 71.07 (5d). Annually, no later than July 1, the department of commerce shall
8 submit to the department of revenue its recommendations for the carry forward of
9 credit amounts as provided under this subsection.

10 **SECTION 2155.** 73.0301 (1) (d) 2. of the statutes is amended to read:

11 73.0301 **(1)** (d) 2. A license issued by the department of ~~health and family~~
12 ~~services~~ children and families under s. 48.66 (1) (a) to a child welfare agency, group
13 home, shelter care facility, or day care center, as required by s. 48.60, 48.625, 48.65,
14 or 938.22 (7).

15 **SECTION 2156.** 73.0301 (1) (e) of the statutes is amended to read:

16 73.0301 **(1)** (e) “Licensing department” means the department of
17 administration; the board of commissioners of public lands; the department of
18 commerce; the department of children and families; the ethics board; the department
19 of financial institutions; the department of health and family services; the
20 department of natural resources; the department of public instruction; the
21 department of regulation and licensing; the department of workforce development;
22 the office of the commissioner of insurance; or the department of transportation.

23 **SECTION 2157.** 73.0301 (2) (c) 1. am. of the statutes is amended to read:

24 73.0301 **(2)** (c) 1. am. If the applicant is an individual and does not have a social
25 security number, a statement made or subscribed under oath or affirmation that the

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1 applicant does not have a social security number. The form of the statement shall
2 be prescribed by the department of ~~workforce development~~ children and families. A
3 license issued in reliance upon a false statement submitted under this subd. 1. am.
4 is invalid.

5 **SECTION 2158.** 73.0301 (2) (c) 2. of the statutes is amended to read:

6 73.0301 (2) (c) 2. A licensing department may not disclose any information
7 received under subd. 1. a. or b. to any person except to the department of revenue for
8 the purpose of requesting certifications under par. (b) 2. in accordance with the
9 memorandum of understanding under sub. (4) and administering state taxes or to
10 the department of ~~workforce development~~ children and families for the purpose of
11 administering s. 49.22.

12 **SECTION 2159.** 74.09 (3) (b) 6m. of the statutes is created to read:

13 74.09 (3) (b) 6m. The amount of the credit under s. 79.10 (5m) allocable to the
14 property for the previous year and the current year, and the percentage change
15 between those years.

16 **SECTION 2160.** 74.09 (3) (b) 7. of the statutes is amended to read:

17 74.09 (3) (b) 7. The amount obtained by subtracting the ~~amount~~ amounts under
18 ~~subd. subs. 6. and 6m.~~ from the amount under subd. 5., for the previous year and
19 the current year, and the percentage change in that amount between those years.

20 **SECTION 2161.** 76.07 (4g) (b) 8. of the statutes is amended to read:

21 76.07 (4g) (b) 8. Determine transport-related revenue by adding public service
22 revenue allocated to this state on the basis of routes for which the company is
23 authorized to receive subsidy payments, mutual aid allocated to this state on the
24 basis of the ratio of transport revenues allocated to this state to transport revenues
25 everywhere in the previous year, in-flight sales allocated to this state as they are

SENATE BILL 40**SECTION 2161**

1 allocated under s. ~~77.51 (14r)~~ 77.522 and all other transport-related revenues from
2 sales made in this state.

3 **SECTION 2162.** 76.636 (1) (e) of the statutes is amended to read:

4 76.636 (1) (e) “Member of a targeted group” means a person who resides in an
5 area designated by the federal government as an economic revitalization area, a
6 person who is employed in an unsubsidized job but meets the eligibility requirements
7 under s. 49.145 (2) and (3) for a Wisconsin Works employment position, a person who
8 is employed in a trial job, as defined in s. 49.141 (1) (n), or in a real work, real pay
9 project position under s. 49.147 (3m), a person who is eligible for child care assistance
10 under s. 49.155, a person who is a vocational rehabilitation referral, an economically
11 disadvantaged youth, an economically disadvantaged veteran, a supplemental
12 security income recipient, a general assistance recipient, an economically
13 disadvantaged ex-convict, a qualified summer youth employee, as defined in 26 USC
14 51 (d) (7), a dislocated worker, as defined in 29 USC 2801 (9), or a food stamp
15 recipient, if the person has been certified in the manner under s. 71.47 (1dj) (am) 3.
16 by a designated local agency, as defined in s. 71.47 (1dj) (am) 2.

17 **SECTION 2163.** 76.636 (2) (b) of the statutes is amended to read:

18 76.636 (2) (b) The amount determined by multiplying the amount determined
19 under s. 560.785 (1) (b) by the number of full-time jobs created in a development zone
20 and filled by a member of a targeted group and by then subtracting the subsidies paid
21 under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m)
22 (c) for those jobs.

23 **SECTION 2164.** 76.636 (2) (c) of the statutes is amended to read:

24 76.636 (2) (c) The amount determined by multiplying the amount determined
25 under s. 560.785 (1) (c) by the number of full-time jobs created in a development zone

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1 and not filled by a member of a targeted group and by then subtracting the subsidies
2 paid under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147
3 (3m) (c) for those jobs.

4 **SECTION 2165.** 76.636 (2) (d) of the statutes is amended to read:

5 76.636 (2) (d) The amount determined by multiplying the amount determined
6 under s. 560.785 (1) (bm) by the number of full-time jobs retained, as provided in the
7 rules under s. 560.785, excluding jobs for which a credit has been claimed under s.
8 71.47 (1dj), in an enterprise development zone under s. 560.797 and for which
9 significant capital investment was made and by then subtracting the subsidies paid
10 under s. 49.147 (3) (a) or the subsidies and reimbursements paid under s. 49.147 (3m)
11 (c) for those jobs.

12 **SECTION 2166.** 76.636 (2) (e) of the statutes is amended to read:

13 76.636 (2) (e) The amount determined by multiplying the amount determined
14 under s. 560.785 (1) (c) by the number of full-time jobs retained, as provided in the
15 rules under s. 560.785, excluding jobs for which a credit has been claimed under s.
16 71.47 (1dj), in a development zone and not filled by a member of a targeted group and
17 by then subtracting the subsidies paid under s. 49.147 (3) (a) or the subsidies and
18 reimbursements paid under s. 49.147 (3m) (c) for those jobs.

19 **SECTION 2167.** Chapter 77 (title) of the statutes is amended to read:

CHAPTER 77**TAXATION OF FOREST CROPLANDS;****REAL ESTATE TRANSFER FEES;****SALES AND USE TAXES; COUNTY****AND SPECIAL DISTRICT SALES****AND USE TAXES; MANAGED FOREST**

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1 **LAND; TEMPORARY RECYCLING**
2 **SURCHARGE; LOCAL FOOD AND**
3 **BEVERAGE TAX; LOCAL RENTAL**
4 **CAR TAX; PREMIER RESORT AREA**
5 **TAXES; STATE RENTAL VEHICLE FEE;**
6 **DRY CLEANING FEES; REGIONAL**
7 **TRANSIT AUTHORITY FEE;**
8 **OIL COMPANY ASSESSMENT**

9 **SECTION 2168.** 77.22 (1) of the statutes is amended to read:

10 77.22 (1) There is imposed on the grantor of real estate a real estate transfer
11 fee at the rate of ~~30~~ 60 cents for each \$100 of value or fraction thereof on every
12 conveyance not exempted or excluded under this subchapter. In regard to land
13 contracts the value is the total principal amount that the buyer agrees to pay the
14 seller for the real estate. This fee shall be collected by the register at the time the
15 instrument of conveyance is submitted for recording. Except as provided in s. 77.255,
16 at the time of submission the grantee or his or her duly authorized agent or other
17 person acquiring an ownership interest under the instrument, or the clerk of court
18 in the case of a foreclosure under s. 846.16 (1), shall execute a return, signed by both
19 grantor and grantee, on the form prescribed under sub. (2). The register shall enter
20 the fee paid on the face of the deed or other instrument of conveyance before
21 recording, and, except as provided in s. 77.255, submission of a completed real estate
22 transfer return and collection by the register of the fee shall be prerequisites to
23 acceptance of the conveyance for recording. The register shall have no duty to
24 determine either the correct value of the real estate transferred or the validity of any
25 exemption or exclusion claimed. If the transfer is not subject to a fee as provided in

SENATE BILL 40**SECTION 2168**

1 this subchapter, the reason for exemption shall be stated on the face of the
2 conveyance to be recorded by reference to the proper subsection under s. 77.25.

3 **SECTION 2169.** 77.24 of the statutes is amended to read:

4 **77.24 Division of fee.** ~~Twenty~~ Ten percent of all fees collected under this
5 subchapter shall be retained by the county and the balance shall be transmitted to
6 the state. Remittances shall be made monthly by the county treasurers to the
7 department of revenue by the 15th day of the month following the close of the month
8 in which the fee was collected. The remittance to the department shall be
9 accompanied by the returns executed under s. 77.22. The state shall deposit all
10 moneys received under this section into the county aid fund.

11 **SECTION 2170.** 77.51 (1) of the statutes is renumbered 77.51 (1fd) and amended
12 to read:

13 77.51 (1fd) “Business” includes any activity engaged in by any person or caused
14 to be engaged in by any person with the object of gain, benefit or advantage, either
15 direct or indirect, and includes also the furnishing and distributing of tangible
16 personal property, specified digital goods, additional digital goods, or taxable
17 services for a consideration by social clubs and fraternal organizations to their
18 members or others.

19 **SECTION 2171.** 77.51 (1a) of the statutes is created to read:

20 77.51 (1a) “Additional digital goods” means video greeting cards sent by
21 electronic mail, finished artwork, periodicals, and video or electronic games. For
22 purposes of this subchapter, the sale of or the storage, use, or other consumption of
23 a digital code is treated the same as the sale of or the storage, use, or other
24 consumption of any additional digital goods for which the digital code relates.

25 **SECTION 2172.** 77.51 (1b) of the statutes is created to read:

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1 77.51 **(1b)** “Alcoholic beverage” means a beverage that is suitable for human
2 consumption and that contains 0.5 percent or more of alcohol by volume.

3 **SECTION 2173.** 77.51 (1ba) of the statutes is created to read:

4 77.51 **(1ba)** “Ancillary services” means services that are associated with or
5 incidental to providing telecommunications services, including detailed
6 telecommunications billing, directory assistance, vertical service, and voice mail
7 services, but not including specified digital goods.

8 **SECTION 2174.** 77.51 (1d) of the statutes is created to read:

9 77.51 **(1d)** “Biotechnologies” include recombinant deoxyribonucleic acid
10 techniques, biochemistry, molecular and cellular biology, genetics, genetic
11 engineering, biological cell fusion, and other bioprocesses.

12 **SECTION 2175.** 77.51 (1e) of the statutes is created to read:

13 77.51 **(1e)** “Biotechnology business” means a business, as certified by the
14 department in the manner prescribed by the department, that is primarily engaged
15 in the application of biotechnologies that use a living organism or parts of an
16 organism to produce or modify products to improve plants or animals, develop
17 microorganisms for specific uses, identify targets for small molecule pharmaceutical
18 development, or transform biological systems into useful processes and products.

19 **SECTION 2176.** 77.51 (1f) of the statutes is created to read:

20 77.51 **(1f)** “Bundled transaction” means the retail sale of 2 or more products,
21 not including real property and services to real property, if the products are distinct
22 and identifiable products and sold for one nonitemized price. “Bundled transaction”
23 does not include any of the following:

24 (a) The sale of any products for which the sales price varies or is negotiable
25 based on the purchaser’s selection of the products included in the transaction.

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1 (b) 1. The retail sale of tangible personal property and a service, if the tangible
2 personal property is essential to the use of the service, and provided exclusively in
3 connection with the service, and if the true object of the transaction is the service.

4 2. The retail sale of a service and specified digital goods or additional digital
5 goods, if such goods are essential to the use of the service, and provided exclusively
6 in connection with the service, and if the true object of the transaction is the service.

7 (c) The retail sale of services, if one of the services is essential to the use or
8 receipt of another service, and provided exclusively in connection with the other
9 service, and if the true object of the transaction is the other service.

10 (d) A transaction that includes taxable and nontaxable products, if the seller's
11 purchase price or the sales price of the taxable products is no greater than 10 percent
12 of the seller's total purchase price or sales price of all the bundled products, as
13 determined by the seller using either the seller's purchase price or sales price, but
14 not a combination of both, or, in the case of a service contract, the full term of the
15 service contract.

16 (e) The retail sale of taxable tangible personal property and tangible personal
17 property that is exempt from the taxes imposed under this subchapter, if the
18 transaction includes food and food ingredients, drugs, durable medical equipment,
19 mobility-enhancing equipment, prosthetic devices, or medical supplies and if the
20 seller's purchase price or the sales price of the taxable tangible personal property is
21 no greater than 50 percent of the seller's total purchase price or sales price of all the
22 tangible personal property included in what would otherwise be a bundled
23 transaction, as determined by the seller using either the seller's purchase price or
24 the sales price, but not a combination of both.

25 **SECTION 2177.** 77.51 (1fm) of the statutes is created to read:

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1 77.51 (1fm) “Candy” means a preparation of sugar, honey, or other natural or
2 artificial sweetener combined with chocolate, fruit, nuts, or other ingredients or
3 flavorings in the form of bars, drops, or pieces. “Candy” does not include a
4 preparation that contains flour or that requires refrigeration.

5 **SECTION 2178.** 77.51 (1j) of the statutes is created to read:

6 77.51 (1j) “Catalog” means a printed and bound, stitched, sewed, or stapled
7 book containing a list and description of property or services for sale, regardless of
8 whether a price is specified.

9 **SECTION 2179.** 77.51 (1n) of the statutes is created to read:

10 77.51 (1n) “Computer” means an electronic device that accepts information in
11 digital or similar form and that manipulates such information to achieve a result
12 based on a sequence of instructions.

13 **SECTION 2180.** 77.51 (1p) of the statutes is created to read:

14 77.51 (1p) “Computer software” means a set of coded instructions designed to
15 cause a computer or automatic data processing equipment to perform a task.
16 “Computer software” does not include specified digital goods.

17 **SECTION 2181.** 77.51 (1r) of the statutes is created to read:

18 77.51 (1r) “Conference bridging service” means an ancillary service that links
19 2 or more participants of an audio or video conference call and may include providing
20 a telephone number, but does not include the telecommunications services used to
21 reach the conference bridge.

22 **SECTION 2182.** 77.51 (2k) of the statutes is created to read:

23 77.51 (2k) “Delivered electronically” means delivered to a purchaser by means
24 other than by tangible storage media.

25 **SECTION 2183.** 77.51 (2m) of the statutes is created to read:

SENATE BILL 40**SECTION 2183**

1 77.51 **(2m)** “Delivery charges” means charges by a seller to prepare and deliver
2 tangible personal property or services to a location designated by the purchaser of
3 the tangible personal property or services, including charges for transportation,
4 shipping, postage, handling, crating, and packing.

5 **SECTION 2184.** 77.51 (3c) of the statutes is created to read:

6 77.51 **(3c)** “Detailed telecommunications billing service” means an ancillary
7 service that separately indicates information pertaining to individual calls on a
8 customer’s billing statement.

9 **SECTION 2185.** 77.51 (3n) of the statutes is created to read:

10 77.51 **(3n)** “Dietary supplement” means a product, other than tobacco, that is
11 intended to supplement a person’s diet, if all of the following apply:

12 (a) The product contains any of the following ingredients or any combination
13 of any of the following ingredients:

14 1. A vitamin.

15 2. A mineral.

16 3. An herb or other botanical.

17 4. An amino acid.

18 5. A dietary substance that is intended for human consumption to supplement
19 the diet by increasing total dietary intake.

20 6. A concentrate, metabolite, constituent, or extract.

21 (b) The product is intended for ingestion in tablet, capsule, powder, soft-gel,
22 gel-cap, or liquid form, or, if not intended for ingestion in such forms, is not
23 represented as conventional food and is not represented for use as the sole item of
24 a meal or diet.

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1 (c) The product is required to be labeled as a dietary supplement as required
2 under 21 CFR 101.36.

3 **SECTION 2186.** 77.51 (3p) of the statutes is created to read:

4 77.51 (3p) “Digital audio works” means works that result from the fixation of
5 a series of musical, spoken, or other sounds that are transferred electronically,
6 including prerecorded or live music, prerecorded or live readings of books or other
7 written materials, prerecorded or live speeches, or ringtones, but not including audio
8 greeting cards sent by electronic mail.

9 **SECTION 2187.** 77.51 (3pa) of the statutes is created to read:

10 77.51 (3pa) “Digital audiovisual works” means a series of related images that,
11 when shown in succession, impart an impression of motion, along with
12 accompanying sounds, if any, that are transferred electronically. “Digital
13 audiovisual works” includes motion pictures, musical videos, news programs, and
14 live events, but does not include video greeting cards sent by electronic mail or video
15 or electronic games.

16 **SECTION 2188.** 77.51 (3pb) of the statutes is created to read:

17 77.51 (3pb) “Digital books” means works that are generally recognized as
18 books and are transferred electronically. “Digital books” includes novels, nonfiction
19 works, and short stories, but does not include newspapers, periodicals, chat room
20 discussions, or blogs.

21 **SECTION 2189.** 77.51 (3pc) of the statutes is created to read:

22 77.51 (3pc) “Digital code” means a code that provides the person who holds the
23 code a right to obtain an additional digital good, a digital audiovisual work, digital
24 audio work, or digital book and that may be obtained by any means, including
25 tangible forms and electronic mail, regardless of whether the code is designated as

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1 song code, video code, or book code. “Digital code” includes codes used to access or
2 obtain any specified digital goods, or any additional digital goods that have been
3 previously purchased, and promotion cards or codes that are purchased by a retailer
4 or other business entity for use by the retailer’s or entity’s customers. “Digital code”
5 does not include the following:

6 1. A code that represents any redeemable card, gift card, or gift certificate that
7 entitles the holder of such card or certificate to select any specified digital goods or
8 additional digital goods at the cash value indicated by the card or certificate.

9 2. Digital cash that represents a monetary value that a customer may use to
10 pay for a future purchase.

11 **SECTION 2190.** 77.51 (3pd) of the statutes is created to read:

12 77.51 (3pd) “Direct mail” means printed material that is delivered by the U.S.
13 postal service or other delivery service to a mass audience or to addressees on a
14 mailing list provided by or at the direction of the purchaser of the printed material,
15 if the cost of the printed material or any tangible personal property included with the
16 printed material is not billed directly to the recipients of the printed material.
17 “Direct mail” includes any tangible personal property provided directly or indirectly
18 by the purchaser of the printed material to the seller of the printed material for
19 inclusion in any package containing the printed material, including billing invoices,
20 return envelopes, and additional marketing materials. “Direct mail” does not
21 include multiple items of printed material delivered to a single address.

22 **SECTION 2191.** 77.51 (3pe) of the statutes is created to read:

23 77.51 (3pe) “Directory assistance” means an ancillary service that provides
24 telephone numbers or addresses.

25 **SECTION 2192.** 77.51 (3pf) of the statutes is created to read:

SENATE BILL 40**SECTION 2192**

1 77.51 **(3pf)** “Distinct and identifiable product” does not include any of the
2 following:

3 (a) Packaging, including containers, boxes, sacks, bags, bottles, and envelopes;
4 and other materials, including wrapping, labels, tags, and instruction guides; that
5 accompany, and are incidental or immaterial to, the retail sale of any product.

6 (b) A product that is provided free of charge to the consumer in conjunction with
7 the purchase of another product, if the sales price of the other product does not vary
8 depending on whether the product provided free of charge is included in the
9 transaction.

10 (c) Any items specified under sub. (12m) (a) or (15b) (a).

11 **SECTION 2193.** 77.51 (3pj) of the statutes is created to read:

12 77.51 **(3pj)** “Drug” means a compound, substance, or preparation, or any
13 component of them, other than food and food ingredients, dietary supplements, or
14 alcoholic beverages, to which any of the following applies:

15 (a) It is listed in the United States Pharmacopoeia, Homeopathic
16 Pharmacopoeia of the United States, or National Formulary, or any supplement to
17 any of them.

18 (b) It is intended for use in diagnosing, curing, mitigating, treating, or
19 preventing a disease.

20 (c) It is intended to affect a function or structure of the body.

21 **SECTION 2194.** 77.51 (3pm) of the statutes is created to read:

22 77.51 **(3pm)** “Durable medical equipment” means equipment, including the
23 repair parts and replacement parts for the equipment that is primarily and
24 customarily used for a medical purpose related to a person; that can withstand
25 repeated use; that is not generally useful to a person who is not ill or injured; and that

SENATE BILL 40**SECTION 2194**

1 is not placed in or worn on the body. “Durable medical equipment” does not include
2 mobility-enhancing equipment.

3 **SECTION 2195.** 77.51 (3pn) of the statutes is created to read:

4 77.51 (3pn) “Eight hundred service” means a telecommunications service that
5 allows a caller to dial a toll-free number without incurring a charge for the call and
6 is marketed under “800,” “855,” “866,” “877,” or “888” toll-free calling, or any other
7 number designated as toll-free by the federal communications commission.

8 **SECTION 2196.** 77.51 (3po) of the statutes is created to read:

9 77.51 (3po) “Electronic” means relating to technology having electrical, digital,
10 magnetic, wireless, optical, electromagnetic, or similar capabilities.

11 **SECTION 2197.** 77.51 (3pq) of the statutes is created to read:

12 77.51 (3pq) “Finished artwork” means the final art used for actual
13 reproduction by photomechanical or other processes or for display purposes.
14 “Finished artwork” also includes all of the following items regardless of whether such
15 items are reproduced:

16 (a) Drawings.

17 (b) Paintings.

18 (c) Designs.

19 (d) Photographs.

20 (e) Lettering.

21 (f) Paste-ups.

22 (g) Mechanicals.

23 (h) Assemblies.

24 (i) Charts.

25 (j) Graphs.

SENATE BILL 40**SECTION 2197**

1 (k) Illustrative materials.

2 **SECTION 2198.** 77.51 (3rm) of the statutes is created to read:

3 77.51 (3rm) “Fixed wireless service” means a telecommunications service that
4 provides radio communication between fixed points.

5 **SECTION 2199.** 77.51 (3t) of the statutes is created to read:

6 77.51 (3t) “Food and food ingredient” means a substance in liquid,
7 concentrated, solid, frozen, dried, or dehydrated form, that is sold for ingestion, or
8 for chewing, by humans and that is ingested or chewed for its taste or nutritional
9 value. “Food and food ingredient” does not include alcoholic beverages or tobacco.

10 **SECTION 2200.** 77.51 (4) of the statutes is repealed.

11 **SECTION 2201.** 77.51 (5) of the statutes is amended to read:

12 77.51 (5) For purposes of subs. (13) (e) and (f) and ~~(14) (L)~~ (15a) and s. 77.52
13 (2m), “incidental” means depending upon or appertaining to something else as
14 primary; something necessary, appertaining to, or depending upon another which is
15 termed the principal; something incidental to the main purpose of the service.
16 Tangible personal property, specified digital goods, or additional digital goods
17 transferred by a service provider is incidental to the service if the purchaser’s main
18 purpose or objective is to obtain the service rather than the property or goods, even
19 though the property or goods may be necessary or essential to providing the service.

20 **SECTION 2202.** 77.51 (5d) of the statutes is created to read:

21 77.51 (5d) “International telecommunications services” means
22 telecommunications services that originate or terminate in the United States,
23 including the District of Columbia and any U.S. territory or possession and originate
24 or terminate outside of the United States, including the District of Columbia and any
25 U.S. territory or possession.

SENATE BILL 40**SECTION 2203**

1 **SECTION 2203.** 77.51 (5n) of the statutes is created to read:

2 77.51 **(5n)** “Interstate telecommunications services” means
3 telecommunications services that originate in one state or U.S. territory or
4 possession and terminate in a different state or U.S. territory or possession.

5 **SECTION 2204.** 77.51 (5r) of the statutes is created to read:

6 77.51 **(5r)** “Intrastate telecommunications services” means
7 telecommunications services that originate in one state or U.S. territory or
8 possession and terminate in the same state or U.S. territory or possession.

9 **SECTION 2205.** 77.51 (6m) of the statutes is renumbered 77.51 (5m).

10 **SECTION 2206.** 77.51 (7) of the statutes is repealed and recreated to read:

11 77.51 **(7)** (a) “Lease or rental” means any transfer of possession or control of
12 tangible personal property for a fixed or indeterminate term and for consideration
13 and includes:

14 1. A transfer that includes future options to purchase or extend.

15 2. Agreements related to the transfer of possession or control of motor vehicles
16 or trailers, if the amount of any consideration may be increased or decreased by
17 reference to the amount realized on the sale or other disposition of such motor
18 vehicles or trailers, consistent with section 7701 (h) (1) of the Internal Revenue Code.

19 (b) “Lease or rental” does not include any of the following:

20 1. A transfer of possession or control of tangible personal property under a
21 security agreement or deferred payment plan, if such agreement or plan requires
22 transferring title to the tangible personal property after making all required
23 payments.

24 2. A transfer of possession or control of tangible personal property under any
25 agreement that requires transferring title to the tangible personal property after

SENATE BILL 40**SECTION 2206**

1 making all required payments and after paying an option price that does not exceed
2 the greater of \$100 or 1 percent of the total amount of the required payments.

3 3. Providing tangible personal property along with an operator, if the operator
4 is necessary for the tangible personal property to perform in the manner for which
5 it is designed and if the operator does more than maintain, inspect, or set up the
6 tangible personal property.

7 (c) 1. Transfers described under par. (a) are considered a lease or rental,
8 regardless of whether such transfer is considered a lease or rental under generally
9 accepted accounting principles, or any provision of federal or local law, or any other
10 provision of state law.

11 2. Transfers described under par. (b) are not considered a lease or rental,
12 regardless of whether such transfer is considered a lease or rental under generally
13 accepted accounting principles, or any provision of federal or local law, or any other
14 provision of state law.

15 **SECTION 2207.** 77.51 (7g) of the statutes is created to read:

16 77.51 (7g) “Load-and-leave” means delivery to a purchaser by using a tangible
17 storage media that is not physically transferred to the purchaser.

18 **SECTION 2208.** 77.51 (7k) of the statutes is created to read:

19 77.51 (7k) “Mobile wireless service” means a telecommunications service for
20 which the origination or termination points of the service’s transmission,
21 conveyance, or routing are not fixed, regardless of the technology used to transmit,
22 convey, or route the service. “Mobile wireless service” includes a telecommunications
23 service provided by a commercial mobile radio service provider.

24 **SECTION 2209.** 77.51 (7m) of the statutes is created to read:

SENATE BILL 40**SECTION 2209**

1 77.51 (7m) “Mobility-enhancing equipment” means equipment, including the
2 repair parts and replacement parts for the equipment, that is primarily and
3 customarily used to provide or increase the ability of a person to move from one place
4 to another; that may be used in a home or motor vehicle; and that is generally not
5 used by a person who has normal mobility. “Mobility-enhancing equipment” does
6 not include a motor vehicle or any equipment on a motor vehicle that is generally
7 provided by a motor vehicle manufacturer.

8 **SECTION 2210.** 77.51 (8m) of the statutes is created to read:

9 77.51 (8m) “Nine hundred service” means an inbound toll telecommunications
10 service purchased by a subscriber that allows the subscriber’s customers to call the
11 subscriber’s prerecorded announcement or live service. “Nine hundred service” does
12 not include any charge for collection services provided by the seller of the
13 telecommunications services to the subscriber or for any product or service the
14 subscriber sells to the subscriber’s customers. A “nine hundred service” is
15 designated with the “900” number or any other number designated by the federal
16 communications commission.

17 **SECTION 2211.** 77.51 (9) (a) of the statutes is amended to read:

18 77.51 (9) (a) Isolated and sporadic sales of tangible personal property, specified
19 digital goods, additional digital goods, or taxable services where the infrequency, in
20 relation to the other circumstances, including the sales price and the gross profit,
21 support the inference that the seller is not pursuing a vocation, occupation or
22 business or a partial vocation or occupation or part-time business as a vendor of
23 personal property, specified digital goods, additional digital goods, or taxable
24 services. No sale of any tangible personal property, specified digital goods, additional
25 digital goods, or taxable service may be deemed an occasional sale if at the time of

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1 such sale the seller holds or is required to hold a seller's permit, except that this
2 provision does not apply to an organization required to hold a seller's permit solely
3 for the purpose of conducting bingo games and except as provided in par. (am).

4 **SECTION 2212.** 77.51 (9) (am) of the statutes is amended to read:

5 77.51 (9) (am) The sale of personal property, other than inventory held for sale,
6 previously used by a seller to conduct its trade or business at a location after that
7 person has ceased actively operating in the regular course of business as a seller of
8 tangible personal property, specified digital goods, additional digital goods, or
9 taxable services at that location, even though the seller holds a seller's permit for one
10 or more other locations.

11 **SECTION 2213.** 77.51 (9p) of the statutes is created to read:

12 77.51 (9p) "One nonitemized price" does not include a price that is separately
13 identified by product on a binding sales document, or other sales-related document,
14 that is made available to the customer in paper or electronic form, including an
15 invoice, a bill of sale, a receipt, a contract, a service agreement, a lease agreement,
16 a periodic notice of rates and services, a rate card, or a price list.

17 **SECTION 2214.** 77.51 (9s) of the statutes is created to read:

18 77.51 (9s) "Paging service" means a telecommunications service that transmits
19 coded radio signals to activate specific pagers and may include messages or sounds.

20 **SECTION 2215.** 77.51 (10) of the statutes is amended to read:

21 77.51 (10) "Person" includes any natural person, firm, partnership, limited
22 liability company, joint venture, joint stock company, association, public or private
23 corporation, the United States, the state, including any unit or division of the state,
24 any county, city, village, town, municipal utility, municipal power district or other
25 governmental unit, cooperative, unincorporated cooperative association, estate,

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1 trust, receiver, personal representative, any other fiduciary, any other legal entity,
2 and any representative appointed by order of any court or otherwise acting on behalf
3 of others. “Person” also includes the owner of a single-owner entity that is
4 disregarded as a separate entity under ch. 71.

5 **SECTION 2216.** 77.51 (10d) of the statutes is created to read:

6 77.51 **(10d)** “Prepaid calling service” means the right to exclusively access
7 telecommunications services, if that right is paid for in advance of providing such
8 services, requires using an access number or authorization code to originate calls,
9 and is sold in predetermined units or dollars that decrease with use in a known
10 amount.

11 **SECTION 2217.** 77.51 (10f) of the statutes is created to read:

12 77.51 **(10f)** “Prepaid wireless calling service” means a telecommunications
13 service that provides the right to utilize mobile wireless service as well as other
14 nontelecommunications services, including the download of digital products
15 delivered electronically, content, and ancillary services, and that is paid for prior to
16 use and sold in predetermined dollar units whereby the number of units declines
17 with use in a known amount.

18 **SECTION 2218.** 77.51 (10m) of the statutes is created to read:

19 77.51 **(10m)** (a) “Prepared food” means:

20 1. Food and food ingredients sold in a heated state.

21 2. Food and food ingredients heated by the retailer, except as provided in par.

22 (b).

23 3. Food and food ingredients sold with eating utensils that are provided by the
24 retailer of the food and food ingredients, including plates, knives, forks, spoons,
25 glasses, cups, napkins, or straws. In this subdivision, “plate” does not include a

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1 container or packaging used to transport food and food ingredients. For purposes of
2 this subdivision, a retailer provides utensils if any of the following applies:

3 a. The utensils are available to purchasers and the retailer's sales of prepared
4 food under subds. 1. and 2., soft drinks, and alcoholic beverages at an establishment
5 are more than 75 percent of the retailer's total sales at that establishment, as
6 determined under par. (c).

7 b. For retailers not described under subd. 3. a., the retailer's customary practice
8 is to physically give or hand the utensils to the purchaser, not including plates,
9 glasses, or cups that are necessary for the purchaser to receive the food and food
10 ingredients and that the retailer makes available to the purchaser.

11 4. Except as provided in par. (b), 2 or more food ingredients mixed or combined
12 by a retailer for sale as a single item.

13 (b) "Prepared food" under par. (a) 2. and 4. does not include:

14 1. Two or more food ingredients mixed or combined by a retailer for sale as a
15 single item, if the retailer's primary classification in the 2002 North American
16 Industry Classification System, published by the federal office of management and
17 budget, is manufacturing under subsector 311, not including bakeries and tortilla
18 manufacturing under industry group number 3118.

19 2. Two or more food ingredients mixed or combined by a retailer for sale as a
20 single item, sold unheated, and sold by volume or weight.

21 3. Bakery items made by a retailer, including breads, rolls, pastries, buns,
22 biscuits, bagels, croissants, donuts, danish, cakes, tortes, pies, tarts, muffins, bars,
23 cookies, and tortillas.

24 4. Food and food ingredients that are only sliced, repackaged, or pasteurized
25 by a retailer.

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1 5. Eggs, fish, meat, and poultry, and foods containing any of them in raw form,
2 that require cooking by the consumer, as recommended by the food and drug
3 administration in chapter 3, part 401.11 of its food code to prevent food-borne
4 illnesses.

5 (c) 1. The percentage specified under par. (a) 3. a. shall be determined using the
6 following:

7 a. A numerator that includes sales of prepared food, as defined in par. (a) 1. and
8 2. and food for which plates, bowls, glasses, or cups are necessary to receive the food,
9 but not including alcoholic beverages.

10 b. A denominator that includes all food and food ingredients, including
11 prepared food, candy, dietary supplements, and soft drinks, but not including
12 alcoholic beverages.

13 2. a. If the percentage determined under subd. 1. is 75 percent or less, utensils
14 are considered to be provided by the retailer if the retailer's customary practice is to
15 physically give or hand the utensils to the purchaser or, in the case of plates, bowls,
16 glasses, or cups that are necessary to receive the food, to make such items available
17 to the purchaser.

18 b. If the percentage determined under subd. 1. is greater than 75 percent,
19 utensils are considered to be provided by the retailer if the utensils are made
20 available to the purchaser.

21 3. For a retailer whose percentage determined under subd. 1. is greater than
22 75 percent, an item sold by the retailer that contains 4 or more servings packaged
23 as 1 item and sold for a single price does not become prepared food simply because
24 the retailer makes utensils available to the purchaser of the item, but does become
25 prepared food if the retailer physically gives or hands utensils to the purchaser of the

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1 item. For purposes of this subdivision 3. a., serving sizes are based on the
2 information contained on the label of each item sold, except that, if the item has no
3 label, the serving size is based on the retailer's reasonable determination.

4 4. a. Except as provided in subd. 4. b., if a retailer sells food items that have a
5 utensil placed in a package by a person other than the retailer, the utensils are
6 considered to be provided by the retailer.

7 b. Except as provided in subds. 2. and 3., if a retailer sells food items that have
8 a utensil placed in a package by a person other than the retailer and the person's
9 primary classification in the 2002 North American Industry Classification System,
10 published by the federal office of management and budget, is manufacturing under
11 subsector 311, the utensils are not considered to be provided by the retailer.

12 5. For purposes of par. (a) 3., a retailer shall determine the percentage for the
13 retailer's tax year or business fiscal year, based on the retailer's data from the
14 retailer's prior tax year or business fiscal year, as soon as practical after the retailer's
15 accounting records are available, but not later than 90 days after the day on which
16 the retailer's tax year or business fiscal year begins. For retailer's with more than
17 one establishment in this state, a single determination under subd. 1. that combines
18 the information for all of the retailer's establishments in this state shall be made
19 annually, as provided in this subdivision, and apply to each of the retailer's
20 establishments in this state. A retailer that has no prior tax year or business fiscal
21 year shall make a good faith estimate of its percentage for purposes of par. (a) 3. for
22 the retailer's first tax year or business fiscal year and shall adjust the estimate
23 prospectively after the first 3 months of the retailer's operations if the actual
24 percentage is materially different from the estimated percentage.

25 **SECTION 2219.** 77.51 (10n) of the statutes is created to read:

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1 77.51 (10n) “Prescription” means an order, formula, or recipe that is issued by
2 any oral, written, electronic, or other means of transmission and by a person who is
3 authorized by the laws of this state to issue such an order, formula, or recipe.

4 **SECTION 2220.** 77.51 (10r) of the statutes is created to read:

5 77.51 (10r) “Prewritten computer software” means any of the following:

6 (a) Computer software that is not designed and developed by the author or
7 creator of the software according to a specific purchaser’s specifications.

8 (b) Computer software upgrades that are not designed and developed by the
9 author or creator of the software according to a specific purchaser’s specifications.

10 (c) Computer software that is designed and developed by the author or creator
11 of the software according to a specific purchaser’s specifications and that is sold to
12 another purchaser.

13 (d) Any combination of computer software under pars. (a) to (c), including any
14 combination with any portion of such software.

15 (e) Computer software as described under pars. (a) to (d), and any portion of
16 such software, that is modified or enhanced by any degree to a specific purchaser’s
17 specifications, except such modification or enhancement that is reasonably and
18 separately indicated on an invoice, or other statement of the price, provided to the
19 purchaser.

20 **SECTION 2221.** 77.51 (10s) of the statutes is created to read:

21 77.51 (10s) “Private communication service” means a telecommunications
22 service that entitles the customer to exclusive or priority use of a communications
23 channel or group of communications channels, regardless of the manner in which the
24 communications channel or group of communications channels is connected, and

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1 includes switching capacity, extension lines, stations, and other associated services
2 that are provided in connection with the use of such channel or channels.

3 **SECTION 2222.** 77.51 (11d) of the statutes is created to read:

4 77.51 **(11d)** “Product” includes tangible personal property, specified digital
5 goods, additional digital goods, and services.

6 **SECTION 2223.** 77.51 (11m) of the statutes is created to read:

7 77.51 **(11m)** “Prosthetic device” means a device, including the repair parts and
8 replacement parts for the device, that is placed in or worn on the body to artificially
9 replace a missing portion of the body; to prevent or correct a physical deformity or
10 malfunction; or to support a weak or deformed portion of the body.

11 **SECTION 2224.** 77.51 (12) (a) of the statutes is amended to read:

12 77.51 **(12)** (a) Any transfer of title, possession, ownership, enjoyment, or use
13 by: cash or credit transaction, exchange, barter, lease or rental, conditional or
14 otherwise, in any manner or by any means whatever of tangible personal property,
15 specified digital goods, or additional digital goods for a consideration;

16 **SECTION 2225.** 77.51 (12) (b) of the statutes is amended to read:

17 77.51 **(12)** (b) A transaction whereby the possession of property, specified
18 digital goods, or additional digital goods is transferred but the seller retains the title
19 as security for the payment of the price.

20 **SECTION 2226.** 77.51 (12m) of the statutes is created to read:

21 77.51 **(12m)** (a) “Purchase price” means the total amount of consideration,
22 including cash, credit, property, and services, for which tangible personal property,
23 specified digital goods, additional digital goods, or services are sold, leased, or rented,
24 valued in money, whether paid in money or otherwise, without any deduction for the
25 following:

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1 1. The seller's cost of the property, specified digital goods, or additional digital
2 goods sold.

3 2. The cost of materials used, labor or service cost, interest, losses, all costs of
4 transportation to the seller, all taxes imposed on the seller, and any other expense
5 of the seller.

6 3. Charges by the seller for any services necessary to complete a sale, not
7 including delivery and installation charges.

8 4. a. Delivery charges, except as provided in par. (b) 4.

9 b. If a shipment includes property that is subject to tax under this subchapter
10 and property that is not subject to tax under this subchapter, the amount of the
11 delivery charge allocated to the property that is subject to tax under this subchapter
12 based on the total purchase price of the property that is subject to tax under this
13 subchapter as compared to the total purchase price of all the property or on the total
14 weight of the property that is subject to tax under this subchapter as compared to the
15 total weight of all the property.

16 5. Installation charges.

17 (b) "Purchase price" does not include:

18 1. Discounts, including cash, terms, or coupons, that are not reimbursed by a
19 3rd party, except as provided in par. (c); that are allowed by a seller; and that are
20 taken by a purchaser on a sale.

21 2. Interest, financing, and carrying charges from credit that is extended on a
22 sale of personal property, specified digital goods, additional digital goods, or services,
23 if the amount of the interest, financing, or carrying charges is separately stated on
24 the invoice, bill of sale, or similar document that the seller gives to the purchaser.

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1 3. Any taxes legally imposed directly on the purchaser that are separately
2 stated on the invoice, bill of sale, or similar document that the seller gives to the
3 purchaser.

4 4. Delivery charges for direct mail.

5 5. In all transactions in which an article of tangible personal property is traded
6 toward the purchase of an article of greater value, the amount of the purchase price
7 that represents the amount allowed for the article traded, except that this
8 subdivision does not apply to any transaction to which subd. 7. or 8. applies.

9 6. If a person who purchases a motor vehicle presents a statement issued under
10 s. 218.0171 (2) (cq) to the seller at the time of purchase, and the person presents the
11 statement to the seller within 60 days from the date of receiving a refund under s.
12 218.0171 (2) (b) 2. b., the trade-in amount specified in the statement issued under
13 s. 218.0171 (2) (cq), but not to exceed the purchase price from the sale of the motor
14 vehicle. This subdivision applies only to the first motor vehicle purchased by a
15 person after receiving a refund under s. 218.0171 (2) (b) 2. b.

16 7. Thirty-five percent of the purchase price, excluding trade-ins, of a new
17 mobile home, as defined in s. 340.01 (29), that is a primary housing unit or of a new
18 mobile home, as defined in s. 340.01 (29), that is transported in 2 unattached sections
19 if the total size of the combined sections, not including additions and attachments,
20 is at least 984 square feet measured when the sections are ready for transport. This
21 subdivision does not apply to a lease or rental.

22 8. At the retailer's option; except that after the retailer chooses an option the
23 retailer may not use the other option for other sales without the department's written
24 approval; either 35 percent of the purchase price of a manufactured building, as
25 defined in s. 101.71 (6), or an amount equal to the purchase price of the manufactured

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1 building minus the cost of materials that become an ingredient or component part
2 of the building.

3 (c) “Purchase price” includes consideration received by the seller from a 3rd
4 party, if:

5 1. The seller actually receives consideration from a 3rd party, other than the
6 purchaser, and the consideration is directly related to a price reduction or discount
7 on a sale.

8 2. The seller is obliged to pass the price reduction or discount to the purchaser.

9 3. The amount of the consideration that is attributable to the sale is a fixed
10 amount and the seller is able to determine that amount at the time of the sale to the
11 purchaser.

12 4. The purchaser presents a coupon, certificate, or other documentation to the
13 seller to claim the price reduction or discount, if the coupon, certificate, or other
14 documentation is authorized, distributed, or granted by the 3rd party with the
15 understanding that the 3rd party will reimburse the seller for the amount of the price
16 reduction or discount.

17 5. The purchaser identifies himself or herself to the seller as a member of a
18 group or organization that may claim the price reduction or discount.

19 6. The seller provides an invoice to the purchaser, or the purchaser presents a
20 coupon, certificate, or other documentation to the seller, that identifies the price
21 reduction or discount as a 3rd-party price reduction or discount.

22 **SECTION 2227.** 77.51 (12p) of the statutes is created to read:

23 77.51 (12p) “Purchaser” means a person to whom a sale of tangible personal
24 property is made or to whom a service is furnished.

25 **SECTION 2228.** 77.51 (13) (a) of the statutes is amended to read:

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1 77.51 (13) (a) Every seller who makes any sale, regardless of whether the sale
2 is mercantile in nature, of tangible personal property, specified digital goods, or
3 additional digital goods, or a service specified under s. 77.52 (2) (a).

4 **SECTION 2229.** 77.51 (13) (b) of the statutes is amended to read:

5 77.51 (13) (b) Every person engaged in the business of making sales of tangible
6 personal property, specified digital goods, or additional digital goods for storage, use
7 or consumption or in the business of making sales at auction of tangible personal
8 property, specified digital goods, or additional digital goods owned by the person or
9 others for storage, use or other consumption.

10 **SECTION 2230.** 77.51 (13) (c) of the statutes is amended to read:

11 77.51 (13) (c) When the department determines that it is necessary for the
12 efficient administration of this subchapter to regard any salespersons,
13 representatives, peddlers or canvassers as the agents of the dealers, distributors,
14 supervisors or employers under whom they operate or from whom they obtain the
15 tangible personal property, specified digital goods, or additional digital goods sold by
16 them, irrespective of whether they are making the sales on their own behalf or on
17 behalf of such dealers, distributors, supervisors or employers, the department may
18 so regard them and may regard the dealers, distributors, supervisors or employers
19 as retailers for purposes of this subchapter.

20 **SECTION 2231.** 77.51 (13) (d) of the statutes is amended to read:

21 77.51 (13) (d) Every wholesaler to the extent that the wholesaler sells tangible
22 personal property, specified digital goods, or additional digital goods to a person
23 other than a seller as defined in sub. (17) provided such wholesaler is not expressly
24 exempt from the sales tax on such sale or from collecting the use tax on such sale.

25 **SECTION 2232.** 77.51 (13) (e) of the statutes is amended to read:

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1 77.51 (13) (e) A person selling tangible personal property, specified digital
2 goods, or additional digital goods to a service provider who transfers the property in
3 conjunction with the selling, performing or furnishing of any service and the
4 property is or goods are incidental to the service, unless the service provider is
5 selling, performing or furnishing services under s. 77.52 (2) (a) 7., 10., 11. and 20.
6 This subsection does not apply to sub. (2).

7 **SECTION 2233.** 77.51 (13) (f) of the statutes is amended to read:

8 77.51 (13) (f) A service provider who transfers tangible personal property,
9 specified digital goods, or additional digital goods in conjunction with but not
10 incidental to the selling, performing or furnishing of any service and a service
11 provider selling, performing or furnishing services under s. 77.52 (2) (a) 7., 10., 11.
12 and 20. This subsection does not apply to sub. (2).

13 **SECTION 2234.** 77.51 (13) (k) of the statutes is amended to read:

14 77.51 (13) (k) ~~As respects~~ With regards to a lease, any person deriving rentals
15 from a lease of tangible personal property, specified digital goods, or additional
16 digital goods situated in this state.

17 **SECTION 2235.** 77.51 (13) (m) of the statutes is amended to read:

18 77.51 (13) (m) A person selling tangible personal property, specified digital
19 goods, or additional digital goods to a veterinarian to be used or furnished by the
20 veterinarian in the performance of services in some manner related to domestic
21 animals, including pets or poultry.

22 **SECTION 2236.** 77.51 (13) (n) of the statutes is amended to read:

23 77.51 (13) (n) A person selling household furniture, furnishings, equipment,
24 appliances or other items of tangible personal property, specified digital goods, or

SENATE BILL 40**SECTION 2236**

1 additional digital goods to a landlord for use by tenants in leased or rented living
2 quarters.

3 **SECTION 2237.** 77.51 (13) (o) of the statutes is amended to read:

4 77.51 (13) (o) A person selling ~~medicine~~ drugs for animals to a veterinarian.
5 As used in this paragraph, “animal” includes livestock, pets and poultry.

6 **SECTION 2238.** 77.51 (13g) (intro.) of the statutes is amended to read:

7 77.51 (13g) (intro.) Except as provided in sub. (13h), “retailer engaged in
8 business in this state”, ~~unless otherwise limited by federal statute~~, for purposes of
9 the use tax, means any of the following:

10 **SECTION 2239.** 77.51 (13g) (c) of the statutes is created to read:

11 77.51 (13g) (c) Any retailer selling tangible personal property or taxable
12 services for storage, use, or other consumption in this state, unless otherwise limited
13 by federal law.

14 **SECTION 2240.** 77.51 (13r) of the statutes is amended to read:

15 77.51 (13r) Any person purchasing from a retailer as defined in sub. (13) shall
16 be deemed the consumer of the tangible personal property, specified digital goods,
17 additional digital goods, or services purchased.

18 **SECTION 2241.** 77.51 (13rm) of the statutes is created to read:

19 77.51 (13rm) “Retail sale” or “sale at retail” means any sale, lease, or rental
20 for any purpose other than resale, sublease, or subrent.

21 **SECTION 2242.** 77.51 (13rn) of the statutes is created to read:

22 77.51 (13rn) “Ringtones” means digitized sound files that are downloaded onto
23 a device and that may be used to alert the customer with regard to a communication.
24 “Ringtones” includes MP3 or musical tones, polyphonic tones, and synthetic music
25 mobile application format tones, but does not include ring-back tones.

SENATE BILL 40**SECTION 2243**

1 **SECTION 2243.** 77.51 (14) (intro.) of the statutes is amended to read:

2 77.51 (14) (intro.) “Sale”, ~~“sale, lease or rental”, “retail sale”, “sale at retail”, or~~
3 ~~equivalent terms include~~ includes any ~~one or all~~ of the following: the transfer of the
4 ownership of, title to, possession of, or enjoyment of tangible personal property,
5 specified digital goods, additional digital goods, or services for use or consumption
6 but not for resale as tangible personal property, specified digital goods, additional
7 digital goods, or services and includes:

8 **SECTION 2244.** 77.51 (14) (a) of the statutes is amended to read:

9 77.51 (14) (a) Any sale at an auction ~~in~~ with respect to tangible personal
10 property, specified digital goods, or additional digital goods which is are sold to a
11 successful bidder. ~~The proceeds from, except the sale of property or goods~~ sold at
12 auction which is are bid in by the seller and on which title does not pass to a new
13 purchaser ~~shall be deducted from the gross proceeds of the sale and the tax paid only~~
14 ~~on the net proceeds.~~

15 **SECTION 2245.** 77.51 (14) (b) of the statutes is amended to read:

16 77.51 (14) (b) The furnishing or distributing of tangible personal property,
17 specified digital goods, additional digital goods, or taxable services for a
18 consideration by social clubs and fraternal organizations to their members or others.

19 **SECTION 2246.** 77.51 (14) (c) of the statutes is amended to read:

20 77.51 (14) (c) A transaction whereby the possession of tangible personal
21 property is, specified digital goods, or additional digital goods are transferred but the
22 seller retains the title as security for the payment of the price.

23 **SECTION 2247.** 77.51 (14) (d) of the statutes is repealed.

24 **SECTION 2248.** 77.51 (14) (g) of the statutes is renumbered 77.51 (15a) (b) 4.

25 **SECTION 2249.** 77.51 (14) (h) of the statutes is amended to read:

SENATE BILL 40**SECTION 2249**

1 77.51 (14) (h) A transfer for a consideration of the title or possession of tangible
2 personal property, specified digital goods, or additional digital goods which ~~has~~ have
3 been produced, fabricated, or printed to the special order of the customer or of any
4 publication.

5 **SECTION 2250.** 77.51 (14) (i) of the statutes is repealed.

6 **SECTION 2251.** 77.51 (14) (j) of the statutes is amended to read:

7 77.51 (14) (j) The granting of possession of tangible personal property, specified
8 digital goods, or additional digital goods by a lessor to a lessee, or to another person
9 at the direction of the lessee. Such a transaction is deemed a continuing sale in this
10 state ~~by the lessor for the duration of the lease as respects any period of time the~~
11 ~~leased property is situated in this state, irrespective of the time or place of delivery~~
12 ~~of the property to the lessee or such other person.~~

13 **SECTION 2252.** 77.51 (14) (k) of the statutes is repealed.

14 **SECTION 2253.** 77.51 (14) (L) of the statutes is repealed.

15 **SECTION 2254.** 77.51 (14g) (a) of the statutes is amended to read:

16 77.51 (14g) (a) The transfer of property, specified digital goods, or additional
17 digital goods to a corporation upon its organization solely in consideration for the
18 issuance of its stock;

19 **SECTION 2255.** 77.51 (14g) (b) of the statutes is amended to read:

20 77.51 (14g) (b) The contribution of property, specified digital goods, or
21 additional digital goods to a newly formed partnership solely in consideration for a
22 partnership interest therein;

23 **SECTION 2256.** 77.51 (14g) (bm) of the statutes is amended to read:

SENATE BILL 40**SECTION 2256**

1 77.51 (14g) (bm) The contribution of property, specified digital goods, or
2 additional digital goods to a limited liability company upon its organization solely in
3 consideration for a membership interest;

4 **SECTION 2257.** 77.51 (14g) (c) of the statutes is amended to read:

5 77.51 (14g) (c) The transfer of property, specified digital goods, or additional
6 digital goods to a corporation, solely in consideration for the issuance of its stock,
7 pursuant to a merger or consolidation;

8 **SECTION 2258.** 77.51 (14g) (cm) of the statutes is amended to read:

9 77.51 (14g) (cm) The transfer of property, specified digital goods, or additional
10 digital goods to a limited liability company, solely in consideration for a membership
11 interest, pursuant to a merger;

12 **SECTION 2259.** 77.51 (14g) (d) of the statutes is amended to read:

13 77.51 (14g) (d) The distribution of property, specified digital goods, or
14 additional digital goods by a corporation to its stockholders as a dividend or in whole
15 or partial liquidation;

16 **SECTION 2260.** 77.51 (14g) (e) of the statutes is amended to read:

17 77.51 (14g) (e) The distribution of property, specified digital goods, or
18 additional digital goods by a partnership to its partners in whole or partial
19 liquidation;

20 **SECTION 2261.** 77.51 (14g) (em) of the statutes is amended to read:

21 77.51 (14g) (em) The distribution of property, specified digital goods, or
22 additional digital goods by a limited liability company to its members in whole or
23 partial liquidation;

24 **SECTION 2262.** 77.51 (14g) (f) of the statutes is amended to read:

SENATE BILL 40**SECTION 2262**

1 77.51 (14g) (f) Repossession of property, specified digital goods, or additional
2 digital goods by the seller from the purchaser when the only consideration is
3 cancellation of the purchaser's obligation to pay the remaining balance of the
4 purchase price;

5 **SECTION 2263.** 77.51 (14g) (g) of the statutes is amended to read:

6 77.51 (14g) (g) The transfer of property, specified digital goods, or additional
7 digital goods in a reorganization as defined in section 368 of the internal revenue
8 code in which no gain or loss is recognized for franchise or income tax purposes; or

9 **SECTION 2264.** 77.51 (14g) (h) of the statutes is amended to read:

10 77.51 (14g) (h) Any transfer of all or substantially all the property, specified
11 digital goods, or additional digital goods held or used by a person in the course of an
12 activity requiring the holding of a seller's permit, if after the transfer the real or
13 ultimate ownership of the property or goods is substantially similar to that which
14 existed before the transfer. For the purposes of this section, stockholders,
15 bondholders, partners, members or other persons holding an interest in a
16 corporation or other entity are regarded as having the real or ultimate ownership of
17 the property or goods of the corporation or other entity. In this paragraph,
18 "substantially similar" means 80% or more of ownership.

19 **SECTION 2265.** 77.51 (14r) of the statutes is repealed.

20 **SECTION 2266.** 77.51 (15) of the statutes is repealed.

21 **SECTION 2267.** 77.51 (15a) of the statutes is created to read:

22 77.51 (15a) (a) "Sales, lease, or rental for resale, sublease, or subrent" includes
23 transfers of tangible personal property, specified digital goods, or additional digital
24 goods to a service provider that the service provider transfers in conjunction with but
25 not incidental to the selling, performing, or furnishing of any service, and transfers

SENATE BILL 40**SECTION 2267**

1 of tangible personal property, specified digital goods, or additional digital goods to
2 a service provider that the service provider physically transfers in conjunction with
3 the selling, performing, or furnishing services under s. 77.52 (2) (a) 7., 10., 11., or 20.
4 This paragraph does not apply to sub. (2).

5 (b) “Sales, lease, or rental for resale, sublease, or subrent” does not include any
6 of the following:

7 1. The sale of building materials, supplies, and equipment to owners,
8 contractors, subcontractors, or builders for use in real property construction
9 activities or the alteration, repair, or improvement of real property, regardless of the
10 quantity of such materials, supplies, and equipment sold.

11 2. Any sale of tangible personal property, specified digital goods, or additional
12 digital goods to a purchaser even though such property or goods may be used or
13 consumed by some other person to whom such purchaser transfers the tangible
14 personal property or goods without valuable consideration, such as gifts, and
15 advertising specialties distributed at no charge and apart from the sale of other
16 tangible personal property, specified digital goods, additional digital goods, or
17 service.

18 3. Transfers of tangible personal property, specified digital goods, or additional
19 digital goods to a service provider that the service provider transfers in conjunction
20 with the selling, performing, or furnishing of any service, if the tangible personal
21 property, specified digital goods, or additional digital goods are incidental to the
22 service, unless the service provider is selling, performing, or furnishing services
23 under s. 77.52 (2) (a) 7., 10., 11., or 20.

24 **SECTION 2268.** 77.51 (15b) of the statutes is created to read:

SENATE BILL 40**SECTION 2268**

1 77.51 (15b) (a) “Sales price” means the total amount of consideration, including
2 cash, credit, property, and services, for which tangible personal property, specified
3 digital goods, additional digital goods, or services are sold, leased, or rented, valued
4 in money, whether received in money or otherwise, without any deduction for the
5 following:

6 1. The seller’s cost of the property, specified digital goods, or additional digital
7 goods sold.

8 2. The cost of materials used, labor or service cost, interest, losses, all costs of
9 transportation to the seller, all taxes imposed on the seller, and any other expense
10 of the seller.

11 3. Charges by the seller for any services necessary to complete a sale, not
12 including delivery and installation charges.

13 4. a. Delivery charges, except as provided in par. (b) 4.

14 b. If a shipment includes property that is subject to tax under this subchapter
15 and property that is not subject to tax under this subchapter, the amount of the
16 delivery charge allocated to the property that is subject to tax under this subchapter
17 based on the total sales price of the property that is subject to tax under this
18 subchapter as compared to the total sales price of all the property or on the total
19 weight of the property that is subject to tax under this subchapter as compared to the
20 total weight of all the property.

21 5. Installation charges.

22 (b) “Sales price” does not include:

23 1. Discounts, including cash, terms, or coupons, that are not reimbursed by a
24 3rd party, except as provided in par. (c); that are allowed by a seller; and that are
25 taken by a purchaser on a sale.

SENATE BILL 40**SECTION 2268**

1 2. Interest, financing, and carrying charges from credit that is extended on a
2 sale of tangible personal property, specified digital goods, additional digital goods,
3 or services, if the amount of the interest, financing, or carrying charges is separately
4 stated on the invoice, bill of sale, or similar document that the seller gives to the
5 purchaser.

6 3. Any taxes legally imposed directly on the purchaser that are separately
7 stated on the invoice, bill of sale, or similar document that the seller gives to the
8 purchaser.

9 4. Delivery charges for direct mail.

10 5. In all transactions in which an article of tangible personal property is traded
11 toward the purchase of an article of greater value, the amount of the sales price that
12 represents the amount allowed for the article traded, except that this subdivision
13 does not apply to any transaction to which subd. 7. or 8. applies.

14 6. If a person who purchases a motor vehicle presents a statement issued under
15 s. 218.0171 (2) (cq) to the seller at the time of purchase, and the person presents the
16 statement to the seller within 60 days from the date of receiving a refund under s.
17 218.0171 (2) (b) 2. b., the trade-in amount specified in the statement issued under
18 s. 218.0171 (2) (cq), but not to exceed the sales price from the sale of the motor vehicle.
19 This subdivision applies only to the first motor vehicle purchased by a person after
20 receiving a refund under s. 218.0171 (2) (b) 2. b.

21 7. Thirty-five percent of the sales price, excluding trade-ins, of a new mobile
22 home, as defined in s. 340.01 (29), that is a primary housing unit or of a new mobile
23 home, as defined in s. 340.01 (29), that is transported in 2 unattached sections if the
24 total size of the combined sections, not including additions and attachments, is at

SENATE BILL 40**SECTION 2268**

1 least 984 square feet measured when the sections are ready for transport. This
2 subdivision does not apply to a lease or rental.

3 8. At the retailer's option; except that after the retailer chooses an option the
4 retailer may not use the other option for other sales without the department's written
5 approval; either 35 percent of the sales price of a manufactured building, as defined
6 in s. 101.71 (6), or an amount equal to the sales price of the manufactured building
7 minus the cost of materials that become an ingredient or component part of the
8 building.

9 (c) "Sales price" includes consideration received by the seller from a 3rd party,
10 if:

11 1. The seller actually receives consideration from a 3rd party, other than the
12 purchaser, and the consideration is directly related to a price reduction or discount
13 on a sale.

14 2. The seller is obliged to pass the price reduction or discount to the purchaser.

15 3. The amount of the consideration that is attributable to the sale is a fixed
16 amount and the seller is able to determine that amount at the time of the sale to the
17 purchaser.

18 4. Any of the following also applies:

19 a. The purchaser presents a coupon, certificate, or other documentation to the
20 seller to claim the price reduction or discount, if the coupon, certificate, or other
21 documentation is authorized, distributed, or granted by the 3rd party with the
22 understanding that the 3rd party will reimburse the seller for the amount of the price
23 reduction or discount.

24 b. The purchaser identifies himself or herself to the seller as a member of a
25 group or organization that may claim the price reduction or discount.

SENATE BILL 40**SECTION 2268**

1 c. The seller provides an invoice to the purchaser, or the purchaser presents a
2 coupon, certificate, or other documentation to the seller, that identifies the price
3 reduction or discount as a 3rd-party price reduction or discount.

4 **SECTION 2269.** 77.51 (17) of the statutes is amended to read:

5 77.51 (17) “Seller” includes every person selling, leasing, or renting tangible
6 personal property, specified digital goods, or additional digital goods or selling,
7 performing, or furnishing services of a kind the ~~gross receipts~~ sales price from the
8 sale, lease, rental, performance, or furnishing of which ~~are~~ is required to be included
9 in the measure of the sales tax.

10 **SECTION 2270.** 77.51 (17m) of the statutes is repealed and recreated to read:

11 77.51 (17m) “Service address” means any of the following:

12 (a) The location of the telecommunications equipment to which a customer’s
13 telecommunications service is charged and from which the telecommunications
14 service originates or terminates, regardless of where the telecommunications service
15 is billed or paid.

16 (b) If the location described under par. (a) is not known by the seller who sells
17 the telecommunications service, the location where the signal of the
18 telecommunications service originates, as identified by the seller’s
19 telecommunications system or, if the signal is not transmitted by the seller’s
20 telecommunications system, by information that the seller received from the seller’s
21 service provider.

22 (c) If the locations described under pars. (a) and (b) are not known by the seller
23 who sells the telecommunications service, the customer’s place of primary use.

24 **SECTION 2271.** 77.51 (17w) of the statutes is created to read:

SENATE BILL 40**SECTION 2271**

1 77.51 (17w) “Soft drink” means a beverage that contains less than 0.5 percent
2 of alcohol and that contains natural or artificial sweeteners. “Soft drink” does not
3 include a beverage that contains milk or milk products; soy, rice, or similar milk
4 substitutes; or more than 50 percent vegetable or fruit juice by volume.

5 **SECTION 2272.** 77.51 (17x) of the statutes is created to read:

6 77.51 (17x) “Specified digital goods” means digital audio works, digital
7 audiovisual works, and digital books. For purposes of this subchapter, the sale of or
8 the storage, use, or other consumption of a digital code is treated the same as the sale
9 of or the storage, use, or other consumption of any specified digital goods for which
10 the digital code relates.

11 **SECTION 2273.** 77.51 (18) of the statutes is amended to read:

12 77.51 (18) “Storage” includes any keeping or retention in this state of tangible
13 personal property, specified digital goods, or additional digital goods purchased from
14 a retailer for any purpose except sale in the regular course of business.

15 **SECTION 2274.** 77.51 (20) of the statutes is amended to read:

16 77.51 (20) “Tangible personal property” means ~~all tangible personal property~~
17 ~~of every kind and description that can be seen, weighed, measured, felt, or touched,~~
18 ~~or that is in any other manner perceptible to the senses,~~ and includes electricity,
19 natural gas, steam and, water, and also leased property affixed to realty if the lessor
20 has the right to remove the property upon breach or termination of the lease
21 agreement, unless the lessor of the property is also the lessor of the realty to which
22 the property is affixed. “Tangible personal property” also includes coins and stamps
23 of the United States sold or traded as collectors’ items above their face value and
24 computer programs except custom computer programs prewritten computer
25 software, but does not include specified digital goods.

SENATE BILL 40**SECTION 2275**

1 **SECTION 2275.** 77.51 (21) of the statutes is amended to read:

2 77.51 (21) “Taxpayer” means the person who is required to pay, collect, or
3 account for or who is otherwise directly interested in the taxes imposed by this
4 subchapter, including a certified service provider.

5 **SECTION 2276.** 77.51 (21m) of the statutes is amended to read:

6 77.51 (21m) “Telecommunications Internet access services” means sending
7 messages and information transmitted through the use of local, toll and wide-area
8 telephone service; channel services; telegraph services; teletypewriter; computer
9 exchange services; cellular mobile telecommunications service; specialized mobile
10 radio; stationary two-way radio; paging service; or any other form of mobile and
11 portable one-way or two-way communications; or any other transmission of
12 messages or information by electronic or similar means between or among points by
13 wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.
14 ~~“Telecommunications services” does not include sending collect telecommunications~~
15 ~~that are received outside of the state.~~

16 **SECTION 2277.** 77.51 (21n) of the statutes is created to read:

17 77.51 (21n) “Telecommunications services” means electronically transmitting,
18 conveying, or routing voice, data, audio, video, or other information or signals to a
19 point or between or among points. “Telecommunications services” includes the
20 transmission, conveyance, or routing of such information or signals in which
21 computer processing applications are used to act on the content’s form, code, or
22 protocol for transmission, conveyance, or routing purposes, regardless of whether
23 the service is referred to as a voice over Internet protocol service or classified by the
24 federal communications commission as an enhanced or value-added service.
25 “Telecommunications services” does not include any of the following:

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1 (a) Data processing and information services that allow data to be generated,
2 acquired, stored, processed, or retrieved and delivered to a purchaser by an electronic
3 transmission, if the purchaser's primary purpose for the underlying transaction is
4 the processed data.

5 (b) Installing or maintaining wiring or equipment on a customer's premises.

6 (c) Tangible personal property.

7 (d) Advertising, including directory advertising.

8 (e) Billing and collection services provided to 3rd parties.

9 (f) Telecommunications Internet access service.

10 (g) Radio and television audio and video programming services, regardless of
11 the medium in which the services are provided, including cable service, as defined
12 in 47 USC 522 (6), audio and video programming services delivered by commercial
13 mobile radio service providers, as defined in 47 CFR 20.3, and the transmitting,
14 conveying, or routing of such services by the programming service provider.

15 (h) Ancillary services.

16 (i) Digital products delivered electronically, including software, music, video,
17 reading materials, or ringtones.

18 **SECTION 2278.** 77.51 (21p) of the statutes is created to read:

19 77.51 (21p) "Tobacco" means cigarettes, cigars, chewing tobacco, pipe tobacco,
20 and any other item that contains tobacco.

21 **SECTION 2279.** 77.51 (21q) of the statutes is created to read:

22 77.51 (21q) "Transferred electronically" means accessed or obtained by the
23 purchaser by means other than tangible storage media.

24 **SECTION 2280.** 77.51 (22) (a) of the statutes is amended to read:

SENATE BILL 40**SECTION 2280**

1 77.51 (22) (a) “Use” includes the exercise of any right or power over tangible
2 personal property, specified digital goods, additional digital goods, or taxable
3 services incident to the ownership, possession or enjoyment of the property, goods,
4 or services, or the results produced by the services, including installation or
5 affixation to real property and including the possession of, or the exercise of any right
6 or power over tangible personal property, specified digital goods, or additional digital
7 goods by a lessee under a lease, except that “use” does not include the activities under
8 sub. (18).

9 **SECTION 2281.** 77.51 (22) (b) of the statutes is amended to read:

10 77.51 (22) (b) In this subsection “enjoyment” includes a purchaser’s right to
11 direct the disposition of property, specified digital goods, or additional digital goods,
12 whether or not the purchaser has possession of the property or goods. “Enjoyment”
13 also includes, but is not limited to, having shipped into this state by an out-of-state
14 supplier printed material which is designed to promote the sale of property, specified
15 digital goods, additional digital goods, or services, or which is otherwise related to
16 the business activities, of the purchaser of the printed material or printing service.

17 **SECTION 2282.** 77.51 (22) (bm) of the statutes is created to read:

18 77.51 (22) (bm) In this subsection, “exercise of any right or power over tangible
19 personal property, specified digital goods, additional digital goods, or taxable
20 services” includes distributing, selecting recipients, determining mailing schedules,
21 or otherwise directing the distribution, dissemination, or disposal of tangible
22 personal property, specified digital goods, additional digital goods, or taxable
23 services, regardless of whether the purchaser of such property, goods or services
24 owns or physically possesses, in this state, the property, goods, or services.

25 **SECTION 2283.** 77.51 (24) of the statutes is created to read:

SENATE BILL 40**SECTION 2283**

1 77.51 (24) “Value-added non-voice data service” means a service in which
2 computer processing applications are used to act on the form, content, code, or
3 protocol of the data provided by the service and are used primarily for a purpose other
4 than for transmitting, conveying, or routing data.

5 **SECTION 2284.** 77.51 (25) of the statutes is created to read:

6 77.51 (25) “Vertical service” means an ancillary service that is provided with
7 one or more telecommunications services and allows customers to identify callers
8 and to manage multiple calls and call connections, including conference bridging
9 services.

10 **SECTION 2285.** 77.51 (26) of the statutes is created to read:

11 77.51 (26) “Voice mail service” means an ancillary service that allows a
12 customer to store, send, or receive recorded messages, not including any vertical
13 service that the customer must have to use the voice mail service.

14 **SECTION 2286.** 77.52 (1) of the statutes is renumbered 77.52 (1) (a) and
15 amended to read:

16 77.52 (1) (a) For the privilege of selling, licensing, leasing or renting tangible
17 personal property, including accessories, components, attachments, parts, supplies
18 and materials, at retail a tax is imposed upon all retailers at the rate of 5% of the
19 gross receipts sales price from the sale, license, lease or rental of tangible personal
20 property, including accessories, components, attachments, parts, supplies and
21 materials, sold, leased or rented at retail in this state, as determined under s. 77.522.

22 **SECTION 2287.** 77.52 (1) (b) of the statutes is created to read:

23 77.52 (1) (b) For the privilege of selling at retail coins and stamps of the United
24 States that are sold or traded as collectors’ items above their face value, a tax is

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1 imposed on all retailers at the rate of 5 percent of the sales price from the sale of such
2 coins and stamps.

3 **SECTION 2288.** 77.52 (1) (c) of the statutes is created to read:

4 77.52 (1) (c) For the privilege of leasing property that is affixed to real property,
5 a tax is imposed on all retailers at the rate of 5 percent of the sales price from the lease
6 of such property, if the lessor has the right to remove the leased property upon breach
7 or termination of the lease agreement, unless the lessor of the leased property is also
8 the lessor of the real property to which the leased property is affixed.

9 **SECTION 2289.** 77.52 (1) (d) of the statutes is created to read:

10 77.52 (1) (d) For the privilege of selling, licensing, leasing, or renting specified
11 digital goods or additional digital goods at retail, regardless of whether the
12 purchaser has the right to permanently use such goods or whether the purchaser's
13 right to access or retain such goods is not permanent, a tax is imposed upon all
14 retailers at the rate of 5 percent of the sales price from the sale, license, lease or rental
15 of such goods.

16 **SECTION 2290.** 77.52 (2) (intro.) of the statutes is amended to read:

17 77.52 (2) (intro.) For the privilege of selling, licensing, performing or furnishing
18 the services described under par. (a) at retail in this state, as determined under s.
19 77.522, to consumers or users, a tax is imposed upon all persons selling, licensing,
20 performing or furnishing the services at the rate of 5% of the ~~gross receipts~~ sales price
21 from the sale, license, performance or furnishing of the services.

22 **SECTION 2291.** 77.52 (2) (a) 5. a. of the statutes is renumbered 77.52 (2) (a) 5.
23 (intro.) and amended to read:

24 77.52 (2) (a) 5. (intro) The sale of all of the following:

SENATE BILL 40**SECTION 2291**

1 ~~am. Intrastate, interstate, and international~~ telecommunications services,
2 ~~except services subject to 4 USC 116 to 126, as amended by P.L. 106–252, that either~~
3 ~~originate or terminate in this state; except services that are obtained by means of a~~
4 ~~toll-free number, that originate outside this state and that terminate in this state;~~
5 ~~and are charged to a service address in this state, regardless of the location where~~
6 ~~that charge is billed or paid; and the sale of the rights to purchase~~
7 ~~telecommunications services, including purchasing reauthorization numbers, by~~
8 ~~paying in advance and by using an access number and authorization code, except~~
9 ~~sales that are subject to subd. 5. b~~ interstate 800 services.

10 **SECTION 2292.** 77.52 (2) (a) 5. b. of the statutes is repealed.

11 **SECTION 2293.** 77.52 (2) (a) 5. bm. of the statutes is created to read:

12 77.52 **(2)** (a) 5. bm. Telecommunications Internet access services.

13 **SECTION 2294.** 77.52 (2) (a) 5. c. of the statutes is created to read:

14 77.52 (2) (a) 5. c. Ancillary services, except detailed telecommunications billing
15 services.

16 **SECTION 2295.** 77.52 (2) (a) 5m. of the statutes is amended to read:

17 77.52 **(2)** (a) 5m. The sale of services that consist of recording
18 telecommunications messages and transmitting them to the purchaser of the service
19 or at that purchaser's direction, but not including those services if they are merely
20 ~~an~~ that are taxable under subd. 5. or services that are incidental, as defined in s.
21 77.51 (5), ~~element of~~ to another service that is not taxable under this subchapter and
22 ~~sold to that~~ the purchaser of the incidental service and is not taxable under this
23 subchapter.

24 **SECTION 2296.** 77.52 (2) (a) 10. of the statutes is amended to read:

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1 77.52 (2) (a) 10. Except for services provided by veterinarians and except for
2 installing or applying tangible personal property that, subject to par. (ag), when
3 installed or applied, will constitute an addition or capital improvement of real
4 property, the repair, service, alteration, fitting, cleaning, painting, coating, towing,
5 inspection, and maintenance of all items of tangible personal property, specified
6 digital goods, and additional digital goods, unless, at the time of that the repair,
7 service, alteration, fitting, cleaning, painting, coating, towing, inspection, or
8 maintenance, a sale in this state of the type of property repaired, serviced, altered,
9 fitted, cleaned, painted, coated, towed, inspected, or maintained would have been
10 exempt to the customer from sales taxation under this subchapter, other than the
11 exempt sale of a motor vehicle or truck body to a nonresident under s. 77.54 (5) (a)
12 and other than nontaxable sales under s. ~~77.51 (14r) juvenile 77.522~~ or unless the
13 repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection, or
14 maintenance is provided under a contract that is subject to tax under subd. 13m. The
15 tax imposed under this subsection applies to the repair, service, alteration, fitting,
16 cleaning, painting, coating, towing, inspection, or maintenance of items listed in par.
17 (ag), regardless of whether the installation or application of tangible personal
18 property, specified digital goods, or additional digital goods related to the items is an
19 addition to or a capital improvement of real property, except that the tax imposed
20 under this subsection does not apply to the original installation or the complete
21 replacement of an item listed in par. (ag), if that the installation or replacement is
22 a real property construction activity under s. 77.51 (2).

23 **SECTION 2297.** 77.52 (2) (a) 11. of the statutes is amended to read:

24 77.52 (2) (a) 11. The producing, fabricating, processing, printing or imprinting
25 of tangible personal property for a consideration for consumers who furnish directly

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1 or indirectly the materials used in the producing, fabricating, processing, printing
2 or imprinting. This subdivision does not apply to the printing or imprinting of
3 tangible personal property ~~which will be subsequently transported outside the state~~
4 ~~for use outside the state by the consumer for advertising purposes~~ that results in
5 printed material, catalogs, or envelopes that are exempt under s. 77.54 (25) and
6 (25m).

7 **SECTION 2298.** 77.52 (2) (a) 13m. of the statutes is created to read:

8 77.52 (2) (a) 13m. The sale of contracts, including service contracts,
9 maintenance agreements, and warranties, that provide, in whole or in part, for the
10 future performance of or payment for the repair, service, alteration, fitting, cleaning,
11 painting, coating, towing, inspection, or maintenance of tangible personal property,
12 unless the sale, lease, or rental in this state of the property to which the contract
13 relates is or was exempt, to the purchaser of the contract, from taxation under this
14 subchapter.

15 **SECTION 2299.** 77.52 (2m) (a) of the statutes is amended to read:

16 77.52 (2m) (a) With respect to the services subject to tax under sub. (2), no part
17 of the charge for the service may be deemed a sale or rental of tangible personal
18 property, specified digital goods, or additional digital goods, if the property or digital
19 goods transferred by the service provider is are incidental to the selling, performing
20 or furnishing of the service, except as provided in par. (b).

21 **SECTION 2300.** 77.52 (2m) (b) of the statutes is amended to read:

22 77.52 (2m) (b) With respect to the services subject to tax under sub. (2) (a) 7.,
23 10., 11. and 20., all property, specified digital goods, or digital additional goods,
24 physically transferred, or transferred electronically, to the customer in conjunction
25 with the selling, performing or furnishing of the service is a sale of tangible personal

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1 property, specified digital goods, or additional digital goods separate from the selling,
2 performing or furnishing of the service.

3 **SECTION 2301.** 77.52 (3m) of the statutes is repealed.

4 **SECTION 2302.** 77.52 (3n) of the statutes is repealed.

5 **SECTION 2303.** 77.52 (4) of the statutes is amended to read:

6 77.52 (4) It is unlawful for any retailer to advertise or hold out or state to the
7 public or to any customer, directly or indirectly, that the tax or any part thereof will
8 be assumed or absorbed by the retailer or that it will not be added to the selling price
9 of the property, specified digital goods, or additional digital goods sold or that if added
10 it, or any part thereof, will be refunded. Any person who violates this subsection is
11 guilty of a misdemeanor.

12 **SECTION 2304.** 77.52 (6) of the statutes is repealed.

13 **SECTION 2305.** 77.52 (7) of the statutes is amended to read:

14 77.52 (7) Every person desiring to operate as a seller within this state who
15 holds a valid certificate under s. 73.03 (50) shall file with the department an
16 application for a permit for each place of operations. Every application for a permit
17 shall be made upon a form prescribed by the department and shall set forth the name
18 under which the applicant intends to operate, the location of the applicant's place of
19 operations, and the other information that the department requires. ~~The~~ Except as
20 provided in sub. (7b), the application shall be signed by the owner if a sole proprietor;
21 in the case of sellers other than sole proprietors, the application shall be signed by
22 the person authorized to act on behalf of such sellers. A nonprofit organization that
23 has ~~gross receipts~~ a sales price taxable under s. 77.54 (7m) shall obtain a seller's
24 permit and pay taxes under this subchapter on all taxable ~~gross receipts~~ sales prices
25 received after it is required to obtain that permit. If that organization becomes

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1 eligible later for the exemption under s. 77.54 (7m) except for its possession of a
2 seller's permit, it may surrender that permit.

3 **SECTION 2306.** 77.52 (7b) of the statutes is created to read:

4 77.52 (7b) Any person who may register under sub. (7) may designate an agent,
5 as defined in s. 77.524 (1) (ag), to register with the department under sub. (7), in the
6 manner prescribed by the department.

7 **SECTION 2307.** 77.52 (12) of the statutes is amended to read:

8 77.52 (12) A person who operates as a seller in this state without a permit or
9 after a permit has been suspended or revoked or has expired, unless the person has
10 a temporary permit under sub. (11), and each officer of any corporation, partnership
11 member, limited liability company member, or other person authorized to act on
12 behalf of a seller who so operates, is guilty of a misdemeanor. Permits shall be held
13 only by persons actively operating as sellers of tangible personal property, specified
14 digital goods, additional digital goods, or taxable services. Any person not so
15 operating shall forthwith surrender that person's permit to the department for
16 cancellation. The department may revoke the permit of a person found not to be
17 actively operating as a seller of tangible personal property, specified digital goods,
18 additional digital goods, or taxable services.

19 **SECTION 2308.** 77.52 (13) of the statutes is amended to read:

20 77.52 (13) For the purpose of the proper administration of this section and to
21 prevent evasion of the sales tax it shall be presumed that all receipts are subject to
22 the tax until the contrary is established. The burden of proving that a sale of tangible
23 personal property, specified digital goods, additional digital goods, or services is not
24 a taxable sale at retail is upon the person who makes the sale unless that person
25 takes from the purchaser ~~a~~ an electronic or a paper certificate, in a manner

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1 ~~prescribed by the department, to the effect that the property, digital good or service~~
2 ~~is purchased for resale or is otherwise exempt, except that no certificate is required~~
3 ~~for sales of cattle, sheep, goats, and pigs that are sold at an animal market, as defined~~
4 ~~in s. 95.68 (1) (ag), and no certificate is required for sales of commodities, as defined~~
5 ~~in 7 USC 2, that are consigned for sale in a warehouse in or from which the~~
6 ~~commodity is deliverable on a contract for future delivery subject to the rules of a~~
7 ~~commodity market regulated by the U.S. commodity futures trading commission if~~
8 ~~upon the sale the commodity is not removed from the warehouse the sale of tangible~~
9 ~~personal property, specified digital goods, additional digital goods, and services that~~
10 ~~are exempt under s. 77.54 (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21), (22b),~~
11 ~~(30), (31), (32), (35), (36), (37), (42), (44), (45), and (46), except as provided in s. 77.54~~
12 ~~(30) (e) and (f).~~

13 **SECTION 2309.** 77.52 (14) (a) (intro.) and 1. and (b) of the statutes are
14 consolidated, renumbered 77.52 (14) (a) and amended to read:

15 77.52 **(14)** (a) The certificate referred to in sub. (13) relieves the seller from the
16 burden of proof only if any of the following is true: 1. ~~The certificate is taken in good~~
17 ~~faith the seller obtains a fully completed exemption certificate, or the information~~
18 ~~required to prove the exemption, from a person who is engaged as a seller of tangible~~
19 ~~personal property or taxable services and who holds the permit provided for in sub.~~
20 ~~(9) and who, at the time of purchasing purchaser no later than 90 days after the date~~
21 ~~of the sale of the tangible personal property, specified digital goods, additional digital~~
22 ~~goods, or services, intends to sell it in the regular course of operations or is unable~~
23 ~~to ascertain at the time of purchase whether the property or service will be sold or~~
24 ~~will be used for some other purpose. (b) except as provided in par. (am). The~~
25 ~~certificate under sub. (13) shall not relieve the seller of the burden of proof if the seller~~

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1 fraudulently fails to collect sales tax, solicits the purchaser to claim an unlawful
2 exemption, accepts an exemption certificate from a purchaser who claims to be an
3 entity that is not subject to the taxes imposed under this subchapter, if the subject
4 of the transaction sought to be covered by the exemption certificate is received by the
5 purchaser at a location operated by the seller in this state and the exemption
6 certificate clearly and affirmatively indicates that the claimed exemption is not
7 available in this state. The certificate referred to in sub. (13) shall be signed by and
8 bear the name and address of provide information that identifies the purchaser; and
9 shall indicate the general character of the tangible personal property or service sold
10 by the purchaser and the basis for the claimed exemption and a paper certificate
11 shall be signed by the purchaser. The certificate shall be in such form as the
12 department prescribes by rule.

13 **SECTION 2310.** 77.52 (14) (a) 2. of the statutes is repealed.

14 **SECTION 2311.** 77.52 (14) (am) of the statutes is created to read:

15 77.52 **(14)** (am) If the seller has not obtained a fully completed exemption
16 certificate or the information required to prove the exemption, as provided in par. (a),
17 the seller may, no later than 120 days after the department requests that the seller
18 substantiate the exemption, either provide proof of the exemption to the department
19 by other means or obtain, in good faith, a fully completed exemption certificate from
20 the purchaser.

21 **SECTION 2312.** 77.52 (15) of the statutes is amended to read:

22 77.52 **(15)** If a purchaser who ~~gives a resale certificate~~ purchases tangible
23 personal property, specified digital goods, additional digital goods, or taxable
24 services without paying a sales tax or use tax on such purchase because such
25 property, goods, or services were for resale makes any use of the property, goods, or

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1 services other than retention, demonstration or display while holding it the property,
2 goods, or services for sale, lease or rental in the regular course of the purchaser's
3 operations, the use shall be taxable to the purchaser under s. 77.53 as of the time that
4 the property is, goods, or services are first used by the purchaser, and the sales
5 purchase price of the property, goods, or services to the purchaser shall be the
6 measure of the tax. ~~Only when there is an unsatisfied use tax liability on this basis~~
7 ~~because the seller has provided incorrect information about that transaction to the~~
8 ~~department shall the seller be liable for sales tax with respect to the sale of the~~
9 ~~property to the purchaser.~~

10 **SECTION 2313.** 77.52 (16) of the statutes is amended to read:

11 77.52 **(16)** Any person who gives a resale certificate for property, specified
12 digital goods, additional digital goods, or services which that person knows at the
13 time of purchase is not to be resold by that person in the regular course of that
14 person's operations as a seller for the purpose of evading payment to the seller of the
15 amount of the tax applicable to the transaction is guilty of a misdemeanor. Any
16 person certifying to the seller that the sale of property, specified digital goods,
17 additional digital goods, or taxable service is exempt, knowing at the time of
18 purchase that it is not exempt, for the purpose of evading payment to the seller of the
19 amount of the tax applicable to the transaction, is guilty of a misdemeanor.

20 **SECTION 2314.** 77.52 (19) of the statutes is amended to read:

21 77.52 **(19)** The department shall by rule provide for the efficient collection of
22 the taxes imposed by this subchapter on sales of property, specified digital goods,
23 additional digital goods, or services by persons not regularly engaged in selling at
24 retail in this state or not having a permanent place of business, but who are
25 temporarily engaged in selling from trucks, portable roadside stands, concessions at

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1 fairs and carnivals, and the like. The department may authorize such persons to sell
2 property, specified digital goods, or additional digital goods or sell, perform, or
3 furnish services on a permit or nonpermit basis as the department by rule prescribes
4 and failure of any person to comply with such rules constitutes a misdemeanor.

5 **SECTION 2315.** 77.52 (20) of the statutes is created to read:

6 77.52 (20) (a) Except as provided in par. (b), the entire sales price of a bundled
7 transaction is subject to the tax imposed under this subchapter.

8 (b) At the retailer's option, if the retailer can identify, by reasonable and
9 verifiable standards from the retailer's books and records that are kept in the
10 ordinary course of its business for other purposes, including purposes unrelated to
11 taxes, the portion of the price that is attributable to products that are not subject to
12 the tax imposed under this subchapter, that portion of the sales price is not taxable
13 under this subchapter. This paragraph does not apply to a bundled transaction that
14 contains food and food ingredients, drugs, durable medical equipment, mobility
15 enhancing equipment, prosthetic devices, or medical supplies.

16 **SECTION 2316.** 77.52 (21) of the statutes is created to read:

17 77.52 (21) A person who provides a product that is not a distinct and
18 identifiable product because it is provided free of charge, as provided in s. 77.51 (3pf)
19 (b), is the consumer of that product and shall pay the tax imposed under this
20 subchapter on the purchase price of that product.

21 **SECTION 2317.** 77.52 (22) of the statutes is created to read:

22 77.52 (22) With regard to transactions described in s. 77.51 (1f) (b), the service
23 provider is the consumer of the tangible personal property, specified digital goods,
24 or additional digital goods and shall pay the tax imposed under this subchapter on
25 the purchase price of the property or goods.

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1 **SECTION 2318.** 77.52 (23) of the statutes is created to read:

2 77.52 **(23)** With regard to transactions described in s. 77.51 (1f) (c), the service
3 provider is the consumer of the service that is essential to the use or receipt of the
4 other service and shall pay the tax imposed under this subchapter on the purchase
5 price of the property or goods.

6 **SECTION 2319.** 77.522 of the statutes is created to read:

7 **77.522 Sourcing. (1) GENERAL.** (a) In this section:

8 1. “Direct mail form” means a form for direct mail prescribed by the
9 department.

10 2. “Receive” means taking possession of tangible personal property; making
11 first use of services; or taking possession or making first use of digital goods,
12 whichever comes first. “Receive” does not include a shipping company taking
13 possession of tangible personal property on a purchaser’s behalf.

14 3. “Transportation equipment” means any of the following:

15 a. Locomotives and railcars that are used to carry persons or property in
16 interstate commerce.

17 b. Trucks and truck tractors that have a gross vehicle weight rating of 10,001
18 pounds or greater, trailers, semitrailers, and passenger buses, if such vehicles are
19 registered under the international registration plan and operated under the
20 authority of a carrier that is authorized by the federal government to carry persons
21 or property in interstate commerce.

22 c. Aircraft that is operated by air carriers that are authorized by the federal
23 government or a foreign authority to carry persons or property in interstate or
24 foreign commerce.

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1 d. Containers that are designed for use on the vehicles described in subd. 4. a.
2 to c. and component parts attached to or secured on such vehicles.

3 (b) Except as provided in par. (c) and subs. (2), (3), and (4), the location of a sale
4 is determined as follows:

5 1. If a purchaser receives the product at a seller's business location, the sale
6 occurs at that business location.

7 2. If a purchaser does not receive the product at a seller's business location, the
8 sale occurs at the location where the purchaser, or the purchaser's designated donee,
9 receives the product, including the location indicated by the instructions known to
10 the seller for delivery to the purchaser or the purchaser's designated donee.

11 3. If the location of a sale of a product cannot be determined under subs. 1. and
12 2., the sale occurs at the purchaser's address as indicated by the seller's business
13 records, if the records are maintained in the ordinary course of the seller's business
14 and if using that address to establish the location of a sale is not in bad faith.

15 4. If the location of a sale of a product cannot be determined under subs. 1. to
16 3., the sale occurs at the purchaser's address as obtained during the consummation
17 of the sale, including the address indicated on the purchaser's payment instrument,
18 if no other address is available and if using that address is not in bad faith.

19 5. If the location of a sale of a product cannot be determined under subs. 1. to
20 4., the location of the sale is determined as follows:

21 a. If the item sold is tangible personal property, the sale occurs at the location
22 from which the tangible personal property is shipped.

23 b. If the item sold is a digital good, or computer software delivered
24 electronically, the sale occurs at the location from which the digital good or computer
25 software was first available for transmission by the seller.

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1 c. If a service is sold, the sale occurs at the location from which the service was
2 provided.

3 (c) The sale of direct mail occurs at the location from which the direct mail is
4 shipped, if the purchaser does not provide to the seller a direct pay permit, a direct
5 mail form, or other information that indicates the appropriate taxing jurisdiction to
6 which the direct mail is delivered to the ultimate recipients. If the purchaser
7 provides a direct mail form or direct pay permit to the seller, the purchaser shall pay
8 or remit, as appropriate, to the department the tax imposed under s. 77.53 on all
9 purchases for which the tax is due and the seller is relieved from liability for
10 collecting such tax or that satisfy the requirements under par. (e) or (f). A direct mail
11 form provided to a seller under this paragraph shall remain effective for all sales by
12 the seller who received the form to the purchaser who provided the form, unless the
13 purchaser revokes the form in writing and provides such revocation to the seller.

14 **(2) LEASE OR RENTAL.** (a) Except as provided in pars. (b) and (c), with regard
15 to the first or only payment on the lease or rental, the lease or rental of tangible
16 personal property occurs at the location determined under sub. (1) (b). If the property
17 is moved from the place where the property was initially delivered, the subsequent
18 periodic payments on the lease or rental occur at the property's primary location as
19 indicated by an address for the property that is provided by the lessee and that is
20 available to the lessor in records that the lessor maintains in the ordinary course of
21 the lessor's business, if the use of such an address does not constitute bad faith. The
22 location of a lease or rental as determined under this paragraph shall not be altered
23 by any intermittent use of the property at different locations.

24 (b) The lease or rental of motor vehicles, trailers, semitrailers, and aircraft,
25 that are not transportation equipment, occurs at the primary location of such motor

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1 vehicles, trailers, semitrailers, or aircraft as indicated by an address for the property
2 that is provided by the lessee and that is available to the lessor in records that the
3 lessor maintains in the ordinary course of the lessor's business, if the use of such an
4 address does not constitute bad faith, except that a lease or rental under this
5 paragraph that requires only one payment occurs at the location determined under
6 sub. (1) (b). The location of a lease or rental as determined under this paragraph shall
7 not be altered by any intermittent use of the property at different locations.

8 (c) The lease or rental of transportation equipment occurs at the location
9 determined under sub. (1) (b).

10 (d) A license of tangible personal property, specified digital goods, or additional
11 digital goods shall be treated as a lease or rental of tangible personal property under
12 this subsection.

13 **(3) TELECOMMUNICATIONS.** (a) In this subsection:

14 1. "Air-to-ground radiotelephone service" means a radio service in which
15 common carriers are authorized to offer and provide radio telecommunications
16 service for hire to subscribers in aircraft.

17 2. "Call-by-call basis" means any method of charging for telecommunications
18 services by which the price of such services is measured by individual calls.

19 3. "Communications channel" means a physical or virtual path of
20 communications over which signals are transmitted between or among customer
21 channel termination points.

22 4. "Customer" means a person who enters into a contract with a seller of
23 telecommunications services or, in any transaction for which the end user is not the
24 person who entered into a contract with the seller of telecommunications services,
25 the end user of the telecommunications services. "Customer" does not include a

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1 person who resells telecommunications services or, for mobile telecommunications
2 services, a serving carrier under an agreement to serve a customer outside the home
3 service provider’s licensed service area.

4 5. “Customer channel termination point” means the location where a customer
5 inputs or receives communications.

6 6. “End user” means an individual who uses a telecommunications service.

7 7. “Home service provider” means a home service provider under section 124
8 (5) of P.L. 106–252.

9 8. “Mobile telecommunications service” means a mobile telecommunications
10 service under 4 USC 116 to 126, as amended by P.L. 106–252.

11 9. “Place of primary use” means place of primary use, as determined under 4
12 USC 116 to 126, as amended by P.L. 106–252.

13 10. “Postpaid calling service” means a telecommunications service that is
14 obtained by paying for it on a call–by–call basis using a bankcard, travel card, credit
15 card, debit card, or similar method, or by charging it to a telephone number that is
16 not associated with the location where the telecommunications service originates or
17 terminates. “Postpaid calling service” includes a telecommunications service, not
18 including a prepaid wireless calling service, that would otherwise be a prepaid
19 calling service except that the service provided to the customer is not exclusively a
20 telecommunications service.

21 14. “Radio service” means a communication service provided by the use of radio,
22 including radiotelephone, radiotelegraph, paging, and facsimile service.

23 15. “Radiotelegraph service” means transmitting messages from one place to
24 another by means of radio.

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1 16. “Radiotelephone service” means transmitting sound from one place to
2 another by means of radio.

3 (b) Except as provided in pars. (d) to (j), the sale of a telecommunications service
4 that is sold on a call-by-call basis occurs in the taxing jurisdiction for sales and use
5 tax purposes where the call originates and terminates, in the case of a call that
6 originates and terminates in the same such jurisdiction, or the taxing jurisdiction for
7 sales and use tax purposes where the call originates or terminates and where the
8 service address is located.

9 (c) Except as provided in pars. (d) to (j), the sale of a telecommunications service
10 that is sold on a basis other than a call-by-call basis occurs at the customer’s place
11 of primary use.

12 (d) The sale of a mobile telecommunications service, except an air-to-ground
13 radiotelephone service and a prepaid calling service, occurs at the customer’s place
14 of primary use.

15 (e) The sale of a postpaid calling service occurs at the location where the signal
16 of the telecommunications service originates, as first identified by the seller’s
17 telecommunications system or, if the signal is not transmitted by the seller’s
18 telecommunications system, by information that the seller received from the seller’s
19 service provider.

20 (f) The sale of a prepaid calling service or a prepaid wireless calling service
21 occurs at the location determined under sub. (1) (b), except that, if the service is a
22 prepaid wireless calling service and the location cannot be determined under sub. (1)
23 (b) 1. to 4., the prepaid wireless calling service occurs at the location determined
24 under sub. (1) (b) 5. c. or at the location associated with the mobile telephone number,
25 as determined by the seller.

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1 (g) 1. The sale of a private communication service for a separate charge related
2 to a customer channel termination point occurs at the location of the customer
3 channel termination point.

4 2. The sale of a private communication service in which all customer channel
5 termination points are located entirely in one taxing jurisdiction for sales and use
6 tax purposes occurs in the taxing jurisdiction in which the customer channel
7 termination points are located.

8 3. If the segments are charged separately, the sale of a private communication
9 service that represents segments of a communications channel between 2 customer
10 channel termination points that are located in different taxing jurisdictions for sales
11 and use tax purposes occurs in an equal percentage in both such jurisdictions.

12 4. If the segments are not charged separately, the sale of a private
13 communication service for segments of a communications channel that is located in
14 more than one taxing jurisdiction for sales and use tax purposes occurs in each such
15 jurisdiction in a percentage determined by dividing the number of customer channel
16 termination points in that jurisdiction by the number of customer channel
17 termination points in all jurisdictions where segments of the communications
18 channel are located.

19 (h) The sale of a telecommunications Internet access service occurs at the
20 customer's place of primary use.

21 (i) The sale of ancillary services occurs at the customer's place of primary use.

22 (j) If the location of the customer's service address, channel termination point,
23 or place of primary use is not known, the location where the seller receives or hands
24 off the signal shall be considered, for purposes of this section, the customer's service
25 address, channel termination point, or place of primary use.

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1 **(4) FLORISTS.** (a) For purposes of this subsection, “retail florist” means a person
2 engaged in the business of selling cut flowers, floral arrangements, and potted plants
3 and who prepares such flowers, floral arrangements, and potted plants. “Retail
4 florist” does not include a person who sells cut flowers, floral arrangements, and
5 potted plants primarily by mail or via the Internet.

6 (b) The sale of tangible personal property by a retail florist who takes an order
7 from a purchaser occurs at the location where the retail florist takes the order, if the
8 retail florist forwards the order to another retail florist who is at a location other than
9 the location of the florist who takes the order and who transfers the tangible personal
10 property to a person identified by the purchaser.

11 (c) This subsection does not apply to sales occurring on or after January 1, 2008.

12 **SECTION 2320.** 77.523 (title) of the statutes is repealed.

13 **SECTION 2321.** 77.523 of the statutes is renumbered 77.59 (9p) (a) and amended
14 to read:

15 **77.59 (9p)** (a) If a customer purchases a service that is subject to 4 USC 116
16 to 126, as amended by P.L. 106–252, and if the customer believes that the amount
17 of the tax assessed for the service under this subchapter or the place of primary use
18 or taxing jurisdiction assigned to the service is erroneous, the customer may request
19 that the service provider correct the alleged error by sending a written notice to the
20 service provider. The notice shall include a description of the alleged error, the street
21 address for the customer’s place of primary use of the service, the account name and
22 number of the service for which the customer seeks a correction, and any other
23 information that the service provider reasonably requires to process the request.
24 Within 60 days from the date that a service provider receives a request under this
25 ~~section~~ paragraph, the service provider shall review its records to determine the

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1 customer's taxing jurisdiction. If the review indicates that there is no error as
2 alleged, the service provider shall explain the findings of the review in writing to the
3 customer. If the review indicates that there is an error as alleged, the service
4 provider shall correct the error and shall refund or credit the amount of any tax
5 collected erroneously, along with the related interest, as a result of the error from the
6 customer in the previous 48 months, consistent with s. 77.59 (4). A customer may
7 take no other action against the service provider, or commence any action, to correct
8 an alleged error in the amount of the tax assessed under this subchapter on a service
9 that is subject to 4 USC 116 to 126, as amended by P.L. 106–252, or to correct an
10 alleged error in the assigned place of primary use or taxing jurisdiction, unless the
11 customer has exhausted his or her remedies under this ~~section~~ paragraph.

12 **SECTION 2322.** 77.524 (1) (a) of the statutes is renumbered 77.524 (1) (am).

13 **SECTION 2323.** 77.524 (1) (ag) of the statutes is created to read:

14 77.524 (1) (ag) "Agent" means a person appointed by a seller to represent the
15 seller before the states that are signatories to the agreement, as defined in s. 77.65
16 (2) (a).

17 **SECTION 2324.** 77.524 (1) (b) of the statutes is renumbered 77.51 (1g) and
18 amended to read:

19 77.51 (1g) "Certified service provider" means an agent that is certified jointly
20 by the states that are signatories to the agreement, as defined in s. 77.65 (2) (a), and
21 that performs all of a seller's sales tax and use tax functions related to the seller's
22 retail sales, except that a certified service provider is not responsible for a retailer's
23 obligation to remit tax on the retailer's own purchases.

24 **SECTION 2325.** 77.525 of the statutes is amended to read:

SENATE BILL 40**SECTION 2325**

1 **77.525 Reduction to prevent double taxation.** Any person who is subject
2 to the tax under s. 77.52 (2) (a) 5. ~~a.~~ on telecommunications services that terminate
3 in this state and who has paid a similar tax on the same services to another state may
4 reduce the amount of the tax remitted to this state by an amount equal to the similar
5 tax properly paid to another state on those services or by the amount due this state
6 on those services, whichever is less. That person shall refund proportionally to the
7 persons to whom the tax under s. 77.52 (2) (a) 5. ~~a.~~ was passed on an amount equal
8 to the amounts not remitted.

9 **SECTION 2326.** 77.53 (1) of the statutes is amended to read:

10 77.53 (1) Except as provided in sub. (1m), an excise tax is levied and imposed
11 on the use or consumption in this state of taxable services under s. 77.52 purchased
12 from any retailer, at the rate of 5% of the sales purchase price of those services; on
13 the storage, use or other consumption in this state of tangible personal property
14 purchased from any retailer, at the rate of 5% of the sales purchase price of that
15 property; on the storage, use, or other consumption of specified digital goods or
16 additional digital goods purchased from any retailer, regardless of whether the
17 purchaser has the right to permanently use such goods or whether the purchaser's
18 right to access or retain such goods is not permanent, at the rate of 5% of the sales
19 price of such goods; and on the storage, use or other consumption of tangible personal
20 property manufactured, processed or otherwise altered, in or outside this state, by
21 the person who stores, uses or consumes it, from material purchased from any
22 retailer, at the rate of 5% of the sales purchase price of that material.

23 **SECTION 2327.** 77.53 (2) of the statutes is amended to read:

24 77.53 (2) Every person storing, using, or otherwise consuming in this state
25 tangible personal property, specified digital goods, additional digital goods, or

SENATE BILL 40**SECTION 2327**

1 taxable services purchased from a retailer is liable for the tax imposed by this section.
2 The person's liability is not extinguished until the tax has been paid to this state, but
3 a receipt with the tax separately stated from a retailer engaged in business in this
4 state or from a retailer who is authorized by the department, under such rules as it
5 prescribes, to collect the tax and who is regarded as a retailer engaged in business
6 in this state for purposes of the tax imposed by this section given to the purchaser
7 under sub. (3) relieves the purchaser from further liability for the tax to which the
8 receipt refers.

9 **SECTION 2328.** 77.53 (3) of the statutes is amended to read:

10 77.53 (3) Every retailer engaged in business in this state and making sales of
11 tangible personal property, specified digital goods, additional digital goods, or
12 taxable services for delivery into this state or with knowledge directly or indirectly
13 that the property or service is intended for storage, use or other consumption in that
14 are sourced to this state under s. 77.522, shall, at the time of making the sales or, if
15 the storage, use or other consumption of the tangible personal property or taxable
16 service is not then taxable under this section, at the time the storage, use or other
17 consumption becomes taxable, collect the tax from the purchaser and give to the
18 purchaser a receipt in the manner and form prescribed by the department.

19 **SECTION 2329.** 77.53 (4) of the statutes is repealed.

20 **SECTION 2330.** 77.53 (9) of the statutes is amended to read:

21 77.53 (9) Every retailer selling tangible personal property, specified digital
22 goods, additional digital goods, or taxable services for storage, use or other
23 consumption in this state shall register with the department and obtain a certificate
24 under s. 73.03 (50) and give the name and address of all agents operating in this
25 state, the location of all distribution or sales houses or offices or other places of

SENATE BILL 40**SECTION 2330**

1 business in this state, the standard industrial code classification of each place of
2 business in this state and the other information that the department requires. Any
3 person who may register under this subsection may designate an agent, as defined
4 in s. 77.524 (1) (ag), to register with the department under this subsection, in the
5 manner prescribed by the department.

6 **SECTION 2331.** 77.53 (9m) of the statutes is renumbered 77.53 (9m) (a) and
7 amended to read:

8 77.53 (9m) (a) Any person who is not otherwise required to collect any tax
9 imposed by this subchapter and who makes sales to persons within this state of
10 tangible personal property, specified digital goods, additional digital goods,
11 taxable services the use of which is subject to tax under this subchapter may register
12 with the department under the terms and conditions that the department imposes
13 and shall obtain a valid certificate under s. 73.03 (50) and thereby be authorized and
14 required to collect, report, and remit to the department the use tax imposed by this
15 subchapter.

16 **SECTION 2332.** 77.53 (9m) (b) of the statutes is created to read:

17 77.53 (9m) (b) Any person who may register under par. (a) may designate an
18 agent, as defined in s. 77.524 (1) (ag), to register with the department under par. (a),
19 in the manner prescribed by the department.

20 **SECTION 2333.** 77.53 (9m) (c) of the statutes is created to read:

21 77.53 (9m) (c) The registration under par. (a) by a person who is not otherwise
22 required to collect any tax imposed by this subchapter shall not be used as a factor
23 in determining whether the seller has nexus with this state for any tax at any time.

24 **SECTION 2334.** 77.53 (10) of the statutes is amended to read:

SENATE BILL 40**SECTION 2334**

1 77.53 (10) For the purpose of the proper administration of this section and to
2 prevent evasion of the use tax and the duty to collect the use tax, it is presumed that
3 tangible personal property, specified digital goods, additional digital goods, or
4 taxable services sold by any person for delivery in this state is sold for storage, use,
5 or other consumption in this state until the contrary is established. The burden of
6 proving the contrary is upon the person who makes the sale unless that person takes
7 from the purchaser ~~a~~ an electronic or paper certificate, in a manner prescribed by
8 department, to the effect that the property, specified digital goods, additional digital
9 goods, or taxable service is purchased for resale, or otherwise exempt from the tax,
10 except that no certificate is required for sales of cattle, sheep, goats, and pigs that are
11 sold at an animal market, as defined in s. 95.68 (1) (ag), and no certificate is required
12 for sales of commodities, as defined in 7 USC 2, that are consigned for sale in a
13 warehouse in or from which the commodity is deliverable on a contract for future
14 delivery subject to the rules of a commodity market regulated by the U.S. commodity
15 futures trading commission if upon the sale the commodity is not removed from the
16 warehouse the sale of tangible personal property, specified digital goods, additional
17 digital goods, and services that are exempt under s. 77.54 (7), (7m), (8), (10), (11), (14),
18 (15), (17), (20n), (20p), (21), (22b), (22c), (30), (31), (32), (35), (36), (37), (42), (44), (45),
19 and (46), except as provided in s. 77.54 (30) (e) and (f).

20 **SECTION 2335.** 77.53 (11) of the statutes is renumbered 77.53 (11) (a) and
21 amended to read:

22 77.53 (11) (a) The certificate referred to in under sub. (10) relieves the person
23 selling the property, specified digital goods, additional digital goods, or service from
24 the burden of proof only if taken in good faith the seller obtains a fully completed
25 exemption certificate, or the information required to prove the exemption, from a

SENATE BILL 40**SECTION 2335**

1 ~~person who is engaged as a seller of tangible personal property or taxable services~~
2 ~~and who holds the permit provided for by s. 77.52 (9) and who, at the time of~~
3 ~~purchasing purchases no later than 90 days after the date of the sale of the tangible~~
4 ~~personal property, specified digital goods, additional digital goods, or taxable service,~~
5 ~~intends to sell it in the regular course of operations or is unable to ascertain at the~~
6 ~~time of purchase whether the property or service will be sold or will be used for some~~
7 ~~other purpose, or if taken in good faith from a person claiming exemption, except as~~
8 ~~provided in par. (b). The certificate under sub. (10) shall not relieve the seller of the~~
9 ~~burden of proof if the seller fraudulently fails to collect sales tax or solicits the~~
10 ~~purchaser to claim an unlawful exemption, accepts an exemption certificate from a~~
11 ~~purchaser who claims to be an entity that is not subject to the taxes imposed under~~
12 ~~this subchapter, if the subject of the transaction sought to be covered by the~~
13 ~~exemption certificate is received by the purchaser at a location operated by the seller~~
14 ~~in this state and the exemption certificate clearly and affirmatively indicates that~~
15 ~~the claimed exemption is not available in this state. The certificate shall be signed~~
16 ~~by and bear the name and address of provide information that identifies the~~
17 ~~purchaser and shall indicate the number of the permit issued to the purchaser, the~~
18 ~~general character of tangible personal property or taxable service sold by the~~
19 ~~purchaser and the basis for the claimed exemption and a paper certificate shall be~~
20 ~~signed by the purchaser. The certificate shall be substantially in the form that the~~
21 ~~department prescribes by rule.~~

22 **SECTION 2336.** 77.53 (11) (b) of the statutes is created to read:

23 77.53 (11) (b) If the seller has not obtained a fully completed exemption
24 certificate or the information required to prove the exemption, as provided in par. (a),
25 the seller may, no later than 120 days after the department requests that the seller

SENATE BILL 40**SECTION 2336**

1 substantiate the exemption, either provide proof of the exemption to the department
2 by other means or obtain, in good faith, a fully completed exemption certificate from
3 the purchaser.

4 **SECTION 2337.** 77.53 (12) of the statutes is amended to read:

5 77.53 (12) If a purchaser who gives a certificate makes any storage or use of
6 the property, specified digital goods, additional digital goods, or service other than
7 retention, demonstration, or display while holding it for sale in the regular course
8 of operations as a seller, the storage or use is taxable as of the time the property,
9 specified digital goods, additional digital goods, or service is first so stored or used.

10 **SECTION 2338.** 77.53 (14) of the statutes is amended to read:

11 77.53 (14) It is presumed that tangible personal property, specified digital
12 goods, additional digital goods, or taxable services shipped or brought to this state
13 by the purchaser were purchased from or serviced by a retailer.

14 **SECTION 2339.** 77.53 (15) of the statutes is amended to read:

15 77.53 (15) It is presumed that tangible personal property, specified digital
16 goods, additional digital goods, or taxable services delivered outside this state to a
17 purchaser known by the retailer to be a resident of this state were purchased from
18 a retailer for storage, use, or other consumption in this state and stored, used, or
19 otherwise consumed in this state. This presumption may be controverted by a
20 written statement, signed by the purchaser or an authorized representative, and
21 retained by the seller that the property, digital good, or service was purchased for use
22 at a designated point outside this state. This presumption may also be controverted
23 by other evidence satisfactory to the department that the property, digital good, or
24 service was not purchased for storage, use, or other consumption in this state.

25 **SECTION 2340.** 77.53 (16) of the statutes is amended to read:

SENATE BILL 40**SECTION 2340**

1 77.53 (16) If the purchase, rental or lease of tangible personal property,
2 specified digital goods, additional digital goods, or service subject to the tax imposed
3 by this section was subject to a sales tax by another state in which the purchase was
4 made, the amount of sales tax paid the other state shall be applied as a credit against
5 and deducted from the tax, to the extent thereof, imposed by this section, except no
6 credit may be applied against and deducted from a sales tax paid on the purchase of
7 direct mail, if the direct mail purchaser did not provide to the seller a direct pay
8 permit, a direct mail form, or other information that indicates the appropriate taxing
9 jurisdiction to which the direct mail is delivered to the ultimate recipients. In this
10 subsection “sales tax” includes a use or excise tax imposed on the use of tangible
11 personal property, specified digital goods, additional digital goods, or taxable service
12 by the state in which the sale occurred and “state” includes the District of Columbia
13 ~~but does not include~~ and the commonwealth of Puerto Rico ~~or~~ but does not include
14 the several territories organized by congress.

15 **SECTION 2341.** 77.53 (17) of the statutes is amended to read:

16 77.53 (17) This section does not apply to tangible personal property, specified
17 digital goods, or additional digital goods purchased outside this state, as determined
18 under s. 77.522, other than motor vehicles, boats, snowmobiles, mobile homes not
19 exceeding 45 feet in length, trailers, semitrailers, all-terrain vehicles and airplanes
20 registered or titled or required to be registered or titled in this state, which is brought
21 into this state by a nondomiciliary for the person’s own storage, use or other
22 consumption while temporarily within this state when such property or digital good
23 is not stored, used or otherwise consumed in this state in the conduct of a trade,
24 occupation, business or profession or in the performance of personal services for
25 wages or fees.

SENATE BILL 40**SECTION 2342**

1 **SECTION 2342.** 77.53 (17m) of the statutes is amended to read:

2 77.53 **(17m)** This section does not apply to a boat purchased in a state
3 contiguous to this state, as determined under s. 77.522, by a person domiciled in that
4 state if the boat is berthed in this state's boundary waters adjacent to the state of the
5 domicile of the purchaser and if the transaction was an exempt occasional sale under
6 the laws of the state in which the purchase was made.

7 **SECTION 2343.** 77.53 (17r) (a) of the statutes is amended to read:

8 77.53 **(17r)** (a) It is purchased in another state, as determined under s. 77.522.

9 **SECTION 2344.** 77.53 (18) of the statutes is amended to read:

10 77.53 **(18)** This section does not apply to the storage, use or other consumption
11 in this state of household goods, specified digital goods, or additional digital goods
12 for personal use or to aircraft, motor vehicles, boats, snowmobiles, mobile homes,
13 trailers, semitrailers and all-terrain vehicles, for personal use, purchased by a
14 nondomiciliary of this state outside this state, as determined under s. 77.522, 90 days
15 or more before bringing the goods or property into this state in connection with a
16 change of domicile to this state.

17 **SECTION 2345.** 77.54 (1) of the statutes is amended to read:

18 77.54 **(1)** The ~~gross receipts~~ sales price from the sale of and the storage, use or
19 other consumption in this state of tangible personal property and services the ~~gross~~
20 ~~receipts~~ sales price from the sale of which, or the storage, use or other consumption
21 of which, this state is prohibited from taxing under the constitution or laws of the
22 United States or under the constitution of this state.

23 **SECTION 2346.** 77.54 (2) of the statutes is amended to read:

24 77.54 **(2)** The ~~gross receipts~~ sales price from sales of and the storage, use or
25 other consumption of tangible personal property becoming an ingredient or

SENATE BILL 40**SECTION 2346**

1 component part of an article of tangible personal property or which is consumed or
2 destroyed or loses its identity in the manufacture of tangible personal property in
3 any form destined for sale, except as provided in sub. (30) (a) 6.

4 **SECTION 2347.** 77.54 (2m) of the statutes is amended to read:

5 77.54 (2m) The ~~gross receipts~~ sales price from the sales of and the storage, use
6 or other consumption of tangible personal property or services that become an
7 ingredient or component of shoppers guides, newspapers or periodicals or that are
8 consumed or lose their identity in the manufacture of shoppers guides, newspapers
9 or periodicals, whether or not the shoppers guides, newspapers or periodicals are
10 transferred without charge to the recipient. In this subsection, “shoppers guides”,
11 “newspapers” and “periodicals” have the meanings under sub. (15). The exemption
12 under this subdivision does not apply to advertising supplements that are not
13 newspapers.

14 **SECTION 2348.** 77.54 (3) (a) of the statutes, as affected by 2005 Wisconsin Act
15 366, is amended to read:

16 77.54 (3) (a) The ~~gross receipts~~ sales price from the sales of and the storage, use,
17 or other consumption of tractors and machines, including accessories, attachments,
18 and parts, lubricants, nonpowered equipment, and other tangible personal property
19 that are used exclusively and directly, or are consumed or lose their identities, in the
20 business of farming, including dairy farming, agriculture, horticulture, floriculture,
21 silviculture, and custom farming services, but excluding automobiles, trucks, and
22 other motor vehicles for highway use; excluding personal property that is attached
23 to, fastened to, connected to, or built into real property or that becomes an addition
24 to, component of, or capital improvement of real property; and excluding tangible
25 personal property used or consumed in the erection of buildings or in the alteration,

SENATE BILL 40**SECTION 2348**

1 repair or improvement of real property, regardless of any contribution that that
2 personal property makes to the production process in that building or real property
3 and regardless of the extent to which that personal property functions as a machine,
4 except as provided in par. (c).

5 **SECTION 2349.** 77.54 (3m) (intro.) of the statutes, as affected by 2005 Wisconsin
6 Act 366, is amended to read:

7 77.54 **(3m)** (intro.) The ~~gross receipts~~ sales price from the sale of and the
8 storage, use or other consumption of the following items if they are used exclusively
9 by the purchaser or user in the business of farming; including dairy farming,
10 agriculture, horticulture, floriculture, silviculture, and custom farming services:

11 **SECTION 2350.** 77.54 (4) of the statutes is amended to read:

12 77.54 **(4)** ~~Gross receipts~~ The sales price from the sale of tangible personal
13 property, and the storage, use or other consumption in this state of tangible personal
14 property which is the subject of any such sale, by any elementary school or secondary
15 school, exempted as such from payment of income or franchise tax under ch. 71,
16 whether public or private.

17 **SECTION 2351.** 77.54 (5) (intro.) of the statutes is amended to read:

18 77.54 **(5)** (intro.) The ~~gross receipts~~ sales price from the sale of and the storage,
19 use or other consumption of:

20 **SECTION 2352.** 77.54 (6) (intro.) of the statutes is amended to read:

21 77.54 **(6)** (intro.) The ~~gross receipts~~ sales price from the sale of and the storage,
22 use or other consumption of:

23 **SECTION 2353.** 77.54 (7m) of the statutes is amended to read:

24 77.54 **(7m)** Occasional sales of tangible personal property or services, including
25 admissions or tickets to an event; by a neighborhood association, church, civic group,

SENATE BILL 40**SECTION 2353**

1 garden club, social club or similar nonprofit organization; not involving
2 entertainment for which payment in the aggregate exceeds \$500 for performing or
3 as reimbursement of expenses unless access to the event may be obtained without
4 payment of a direct or indirect admission fee; conducted by the organization if the
5 organization is not engaged in a trade or business and is not required to have a
6 seller's permit. For purposes of this subsection, an organization is engaged in a trade
7 or business and is required to have a seller's permit if its sales of tangible personal
8 property and services, not including sales of tickets to events, and its events occur
9 on more than 20 days during the year, unless its receipts do not exceed \$25,000
10 during the year. The exemption under this subsection does not apply to ~~gross receipts~~
11 the sales price from the sale of bingo supplies to players or to the sale, rental or use
12 of regular bingo cards, extra regular cards and special bingo cards.

13 **SECTION 2354.** 77.54 (8) of the statutes is amended to read:

14 77.54 (8) Charges for ~~interest, financing or insurance, not including contracts~~
15 under s. 77.52 (2) (a) 13m., where such charges are separately set forth upon the
16 invoice given by the seller to the purchaser.

17 **SECTION 2355.** 77.54 (9) of the statutes is amended to read:

18 77.54 (9) The ~~gross receipts~~ sales price from sales of tickets or admissions to
19 public and private elementary and secondary school activities, where the entire net
20 proceeds therefrom are expended for educational, religious or charitable purposes.

21 **SECTION 2356.** 77.54 (9a) (intro.) of the statutes is amended to read:

22 77.54 (9a) (intro.) The ~~gross receipts~~ sales price from sales to, and the storage
23 by, use by or other consumption of tangible personal property and taxable services
24 by:

25 **SECTION 2357.** 77.54 (9a) (a) of the statutes is amended to read:

SENATE BILL 40**SECTION 2357**

1 77.54 (9a) (a) This state or any agency thereof, the University of Wisconsin
2 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Health
3 Insurance Risk-Sharing Plan Authority, the Healthy Wisconsin Authority, and the
4 Fox River Navigational System Authority.

5 **SECTION 2358.** 77.54 (10) of the statutes is amended to read:

6 77.54 (10) The ~~gross receipts~~ sales price from the sale of all admission fees,
7 admission stickers or camping fees under s. 27.01 (7) to (11) and all admission fees
8 to any museum operated by a nonprofit corporation under a lease agreement with
9 the state historical society.

10 **SECTION 2359.** 77.54 (11) of the statutes is amended to read:

11 77.54 (11) The ~~gross receipts~~ sales price from the sales of and the storage, use
12 or other consumption in this state of motor vehicle fuel, general aviation fuel or
13 alternate fuel, subject to taxation under ch. 78, unless the motor vehicle fuel or
14 alternate fuel tax is refunded under s. 78.75 because the buyer does not use the fuel
15 in operating a motor vehicle upon the public highways.

16 **SECTION 2360.** 77.54 (12) of the statutes is amended to read:

17 77.54 (12) The ~~gross receipts~~ sales price from the sales of and the storage, use
18 or other consumption in this state of rail freight or passenger cars, locomotives or
19 other rolling stock used in railroad operations, or accessories, attachments, parts,
20 lubricants or fuel therefor.

21 **SECTION 2361.** 77.54 (13) of the statutes is amended to read:

22 77.54 (13) The ~~gross receipts~~ sales price from the sales of and the storage, use
23 or other consumption in this state of commercial vessels and barges of 50-ton burden
24 or over primarily engaged in interstate or foreign commerce or commercial fishing,
25 and the accessories, attachments, parts and fuel therefor.

SENATE BILL 40**SECTION 2362**

1 **SECTION 2362.** 77.54 (14) (intro.) of the statutes is amended to read:

2 77.54 (14) (intro.) The ~~gross receipts~~ sales price from the sales of and the
3 storage, use, or other consumption in this state of ~~medicines~~ drugs that are any of
4 the following:

5 **SECTION 2363.** 77.54 (14) (a) of the statutes is amended to read:

6 77.54 (14) (a) Prescribed for the treatment of a human being by a person
7 authorized to prescribe the ~~medicines~~ drugs, and dispensed on prescription filled by
8 a registered pharmacist in accordance with law.

9 **SECTION 2364.** 77.54 (14) (b) of the statutes is amended to read:

10 77.54 (14) (b) Furnished by a licensed physician, surgeon, podiatrist, or dentist
11 to a patient who is a human being for treatment of the patient.

12 **SECTION 2365.** 77.54 (14) (f) (intro.) of the statutes is amended to read:

13 77.54 (14) (f) (intro.) Furnished without charge to any of the following if the
14 ~~medicine~~ drug may not be dispensed without a prescription:

15 **SECTION 2366.** 77.54 (14g) of the statutes is repealed.

16 **SECTION 2367.** 77.54 (14s) of the statutes is repealed.

17 **SECTION 2368.** 77.54 (15) of the statutes is amended to read:

18 77.54 (15) The ~~gross receipts~~ sales price from the sale of and the storage, use
19 or other consumption of all newspapers, of periodicals sold by subscription and
20 regularly issued at average intervals not exceeding 3 months, or issued at average
21 intervals not exceeding 6 months by an educational association or corporation sales
22 to which are exempt under sub. (9a) (f), of controlled circulation publications sold to
23 commercial publishers for distribution without charge or mainly without charge or
24 regularly distributed by or on behalf of publishers without charge or mainly without
25 charge to the recipient and of shoppers guides which distribute no less than 48 issues

SENATE BILL 40**SECTION 2368**

1 in a 12-month period. In this subsection, “shoppers guide” means a community
2 publication delivered, or attempted to be delivered, to most of the households in its
3 coverage area without a required subscription fee, which advertises a broad range
4 of products and services offered by several types of businesses and individuals. In
5 this subsection, “controlled circulation publication” means a publication that has at
6 least 24 pages, is issued at regular intervals not exceeding 3 months, that devotes
7 not more than 75% of its pages to advertising and that is not conducted as an
8 auxiliary to, and essentially for the advancement of, the main business or calling of
9 the person that owns and controls it.

10 **SECTION 2369.** 77.54 (16) of the statutes is amended to read:

11 77.54 (16) The ~~gross receipts~~ sales price from the sale of and the storage, use
12 or other consumption of fire trucks and fire fighting equipment, including
13 accessories, attachments, parts and supplies therefor, sold to volunteer fire
14 departments.

15 **SECTION 2370.** 77.54 (17) of the statutes is amended to read:

16 77.54 (17) The ~~gross receipts~~ sales price from the sales of and the storage, use
17 or other consumption of water, that is not food and food ingredient, when delivered
18 through mains.

19 **SECTION 2371.** 77.54 (18) of the statutes is amended to read:

20 77.54 (18) When the sale, lease or rental of a service or property that was
21 previously exempt or not taxable under this subchapter becomes taxable, and the
22 service or property is furnished under a written contract by which the seller is
23 unconditionally obligated to provide the service or property for the amount fixed
24 under the contract, the seller is exempt from sales or use tax on the ~~gross receipts~~
25 sales price for services or property provided until the contract is terminated,

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1 extended, renewed or modified. However, from the time the service or property
2 becomes taxable until the contract is terminated, extended, renewed or modified the
3 user is subject to use tax, measured by the sales purchase price, on the service or
4 property purchased under the contract.

5 **SECTION 2372.** 77.54 (20) of the statutes is repealed.

6 **SECTION 2373.** 77.54 (20m) of the statutes is repealed.

7 **SECTION 2374.** 77.54 (20n) of the statutes is created to read:

8 77.54 **(20n)** (a) The sales price from the sale of and the storage, use, or other
9 consumption of food and food ingredients, except candy, soft drinks, dietary
10 supplements, and prepared food.

11 (b) The sales price from the sale of and the storage, use, or other consumption
12 of food and food ingredients, except soft drinks, sold by hospitals, sanatoriums,
13 nursing homes, retirement homes, community-based residential facilities, as
14 defined in s. 50.01 (1g), or day care centers registered under ch. 48, including
15 prepared food that is sold to the elderly or handicapped by persons providing mobile
16 meals on wheels. In this paragraph, “retirement home” means a nonprofit
17 residential facility where 3 or more unrelated adults or their spouses have their
18 principal residence and where support services, including meals from a common
19 kitchen, are available to residents.

20 (c) The sales price from the sale of and the storage, use, or other consumption
21 of food and food ingredients, furnished in accordance with any contract or agreement
22 or paid for to such institution through the use of an account of such institution, by
23 a public or private institution of higher education to any of the following:

24 1. An undergraduate student, a graduate student, or a student enrolled in a
25 professional school if the student is enrolled for credit at the public or private

SENATE BILL 40**SECTION 2374**

1 institution of higher education and if the food and food ingredients are consumed by
2 the student.

3 2. A national football league team.

4 **SECTION 2375.** 77.54 (20p) of the statutes is created to read:

5 77.54 **(20p)** The sales price from the sale of and the storage, use, or other
6 consumption of taxable and exempt food and food ingredients that are packaged
7 together if 50 percent or more of the sales price of the items packaged together is
8 attributable to food and food ingredients that are exempt from the taxes imposed
9 under this subchapter. If more than 50 percent of the sales price is attributable to
10 items that are subject to the taxes imposed under this subchapter, the entire sales
11 price is subject to the taxes imposed under this subchapter, regardless of any
12 exemption under this section that otherwise applies to the remaining items.

13 **SECTION 2376.** 77.54 (20r) of the statutes is created to read:

14 77.54 **(20r)** The sales price from the sales of and the storage, use, or other
15 consumption of candy, soft drinks, dietary supplements, and prepared foods, and
16 disposable products that are transferred with such items, furnished for no
17 consideration by a restaurant to the restaurant's employee during the employee's
18 work hours.

19 **SECTION 2377.** 77.54 (21) of the statutes is amended to read:

20 77.54 **(21)** The ~~gross receipts~~ sales price from the sales of and the storage, use
21 or other consumption of caskets and burial vaults for human remains.

22 **SECTION 2378.** 77.54 (22) of the statutes is repealed.

23 **SECTION 2379.** 77.54 (22b) of the statutes is created to read:

24 77.54 **(22b)** The sales price from the sale of and the storage, use, or other
25 consumption of durable medical equipment that is for use in a person's home,

SENATE BILL 40**SECTION 2379**

1 mobility-enhancing equipment, and prosthetic devices, and accessories for such
2 equipment or devices, if the equipment or devices are used for a human being.

3 **SECTION 2380.** 77.54 (22c) of the statutes is created to read:

4 77.54 (22c) The sales price from the sale of and the storage, use, or other
5 consumption of tangible personal property that is subject to the taxes imposed under
6 this subchapter and items described under sub. (22b), if such property and items are
7 packaged together and if 50 percent or more of the sales price of the property and
8 items packaged together is attributable to the items described under sub. (22b). If
9 more than 50 percent of the sales price is attributable to tangible personal property
10 that is subject to the taxes imposed under this subchapter, the entire sales price is
11 subject to the taxes imposed under this subchapter, regardless of the exemption
12 under sub. (22b).

13 **SECTION 2381.** 77.54 (23m) of the statutes is amended to read:

14 77.54 (23m) The gross receipts from the sale, lease or rental of or the storage,
15 use or other consumption of motion picture film or tape, and motion pictures or radio
16 or television programs for listening, viewing, or broadcast. and advertising materials
17 related thereto, sold, leased or rented to a motion picture theater or radio or
18 television station.

19 **SECTION 2382.** 77.54 (23m) of the statutes, as affected by 2007 Wisconsin Act
20 (this act), is amended to read:

21 77.54 (23m) The ~~gross receipts~~ sales price from the sale, lease or rental of or
22 the storage, use or other consumption of motion picture film or tape, and motion
23 pictures or radio or television programs for listening, viewing, or broadcast, and
24 advertising materials related thereto, sold, leased or rented to a motion picture
25 theater or radio or television station.

SENATE BILL 40**SECTION 2383**

1 **SECTION 2383.** 77.54 (25) of the statutes is amended to read:

2 77.54 (25) The ~~gross receipts~~ sales price from the sale of and the storage of
3 printed material which is designed to advertise and promote the sale of merchandise,
4 or to advertise the services of individual business firms, which printed material is
5 purchased and stored for the purpose of subsequently transporting it outside the
6 state by the purchaser for use thereafter solely outside the state.

7 **SECTION 2384.** 77.54 (25) of the statutes, as affected by 2007 Wisconsin Act ...
8 (this act), is amended to read:

9 77.54 (25) The sales price from the sale of and the storage of printed material
10 which is designed to advertise and promote the sale of merchandise, or to advertise
11 the services of individual business firms, which printed material is purchased and
12 stored for the purpose of subsequently transporting it outside the state by the
13 purchaser for use thereafter solely outside the state. This subsection does not apply
14 to catalogs and the envelopes in which the catalogs are mailed.

15 **SECTION 2385.** 77.54 (25m) of the statutes is created to read:

16 77.54 (25m) The sales price from the sale of and the storage, use, or other
17 consumption of catalogs, and the envelopes in which the catalogs are mailed, that are
18 designed to advertise and promote the sale of merchandise or to advertise the
19 services of individual business firms.

20 **SECTION 2386.** 77.54 (26) of the statutes is amended to read:

21 77.54 (26) The ~~gross receipts~~ sales price from the sales of and the storage, use,
22 or other consumption of tangible personal property which becomes a component part
23 of an industrial waste treatment facility that is exempt under s. 70.11 (21) (a) or that
24 would be exempt under s. 70.11 (21) (a) if the property were taxable under ch. 70, or
25 tangible personal property which becomes a component part of a waste treatment

SENATE BILL 40**SECTION 2386**

1 facility of this state or any agency thereof, or any political subdivision of the state or
2 agency thereof as provided in s. 40.02 (28). The exemption includes replacement
3 parts therefor, and also applies to chemicals and supplies used or consumed in
4 operating a waste treatment facility and to purchases of tangible personal property
5 made by construction contractors who transfer such property to their customers in
6 fulfillment of a real property construction activity. This exemption does not apply
7 to tangible personal property installed in fulfillment of a written construction
8 contract entered into, or a formal written bid made, prior to July 31, 1975.

9 **SECTION 2387.** 77.54 (26m) of the statutes is amended to read:

10 77.54 (26m) The ~~gross receipts~~ sales price from the sale of and the storage, use
11 or other consumption of waste reduction or recycling machinery and equipment,
12 including parts therefor, exclusively and directly used for waste reduction or
13 recycling activities which reduce the amount of solid waste generated, reuse solid
14 waste, recycle solid waste, compost solid waste or recover energy from solid waste.
15 The exemption applies even though an economically useful end product results from
16 the use of the machinery and equipment. For the purposes of this subsection, “solid
17 waste” means garbage, refuse, sludge or other materials or articles, whether these
18 materials or articles are discarded or purchased, including solid, semisolid, liquid or
19 contained gaseous materials or articles resulting from industrial, commercial,
20 mining or agricultural operations or from domestic use or from public service
21 activities.

22 **SECTION 2388.** 77.54 (27) of the statutes is amended to read:

23 77.54 (27) The ~~gross receipts~~ sales price from the sale of semen used for
24 artificial insemination of livestock.

25 **SECTION 2389.** 77.54 (28) of the statutes is amended to read:

SENATE BILL 40**SECTION 2389**

1 77.54 **(28)** The ~~gross receipts~~ sales price from the sale of and the storage, use
2 or other consumption to or by the ultimate consumer of ~~apparatus or equipment for~~
3 ~~the injection of insulin or the treatment of diabetes and~~ supplies used to determine
4 blood sugar level.

5 **SECTION 2390.** 77.54 (29) of the statutes is amended to read:

6 77.54 **(29)** The ~~gross receipts~~ sales price from the sales of and the storage, use
7 or other consumption of equipment used in the production of maple syrup.

8 **SECTION 2391.** 77.54 (30) (a) (intro.) of the statutes is amended to read:

9 77.54 **(30)** (a) (intro.) The ~~gross receipts~~ sales price from the sale of:

10 **SECTION 2392.** 77.54 (30) (c) of the statutes is amended to read:

11 77.54 **(30)** (c) If fuel or electricity is sold partly for a use exempt under this
12 subsection and partly for a use which is not exempt under this subsection, no tax
13 shall be collected on that percentage of the ~~gross receipts~~ sales price equal to the
14 percentage of the fuel or electricity which is used for an exempt use, as specified in
15 an exemption certificate provided by the purchaser to the seller.

16 **SECTION 2393.** 77.54 (31) of the statutes is amended to read:

17 77.54 **(31)** The ~~gross receipts~~ sales price from the sale of and the storage, use
18 or other consumption in this state, but not the lease or rental, of used mobile homes
19 that are primary housing units under s. 340.01 (29).

20 **SECTION 2394.** 77.54 (32) of the statutes is amended to read:

21 77.54 **(32)** The ~~gross receipts~~ sales price from charges, including charges for a
22 search, imposed by an authority, as defined in s. 19.32 (1), for copies of a public record
23 that a person may examine and use under s. 16.61 (12) or for copies of a record under
24 s. 19.35 (1).

25 **SECTION 2395.** 77.54 (33) of the statutes is amended to read:

SENATE BILL 40**SECTION 2395**

1 77.54 (33) The ~~gross receipts~~ sales price from sales of and the storage, use or
2 other consumption of medicines drugs used on farm livestock, not including
3 workstock.

4 **SECTION 2396.** 77.54 (35) of the statutes is amended to read:

5 77.54 (35) The ~~gross receipts~~ sales price from the sales of tangible personal
6 property, tickets or admissions by any baseball team affiliated with the Wisconsin
7 Department of American Legion baseball.

8 **SECTION 2397.** 77.54 (36) of the statutes is amended to read:

9 77.54 (36) The ~~gross receipts~~ sales price from the rental for a continuous period
10 of one month or more of a mobile home, as defined in s. 66.0435 (1) (d), that is used
11 as a residence. In this subsection, “one month” means a calendar month or 30 days,
12 whichever is less, counting the first day of the rental and not counting the last day
13 of the rental.

14 **SECTION 2398.** 77.54 (37) of the statutes is amended to read:

15 77.54 (37) The ~~gross receipts~~ sales price from revenues collected under s.
16 146.70 (3) and the surcharge established by rule by the public service commission
17 under s. 146.70 (3m) (f) for customers of wireless providers, as defined in s. 146.70
18 (3m) (a) 6.

19 **SECTION 2399.** 77.54 (38) of the statutes is amended to read:

20 77.54 (38) The ~~gross receipts~~ sales price from the sale of and the storage, use
21 or other consumption of snowmobile trail groomers and attachments for them that
22 are purchased, stored, used or consumed by a snowmobile club that meets at least
23 3 times a year, that has at least 10 members, that promotes snowmobiling and that
24 participates in the department of natural resources’ snowmobile program under s.
25 350.12 (4) (b).

SENATE BILL 40**SECTION 2400**

1 **SECTION 2400.** 77.54 (39) of the statutes is amended to read:

2 77.54 **(39)** The ~~gross receipts~~ sales price from the sale of and the storage, use
3 or other consumption of off-highway, heavy mechanical equipment such as feller
4 bunchers, slashers, delimiters, chippers, hydraulic loaders, loaders,
5 skidder-forwarders, skidders, timber wagons and tractors used exclusively and
6 directly in the harvesting or processing of raw timber products in the field by a person
7 in the logging business. In this subsection, “heavy mechanical equipment” does not
8 include hand tools such as axes, chains, chain saws and wedges.

9 **SECTION 2401.** 77.54 (40) of the statutes is repealed.

10 **SECTION 2402.** 77.54 (41) of the statutes is amended to read:

11 77.54 **(41)** The ~~gross receipts~~ sales price from the sale of building materials,
12 supplies and equipment to; and the storage, use or other consumption of those kinds
13 of property by; owners, contractors, subcontractors or builders if that property is
14 acquired solely for or used solely in, the construction, renovation or development of
15 property that would be exempt under s. 70.11 (36).

16 **SECTION 2403.** 77.54 (42) of the statutes is amended to read:

17 77.54 **(42)** The ~~gross receipts~~ sales price from the sale of and the storage, use
18 or other consumption of animal identification tags provided under s. 93.06 (1h) and
19 standard samples provided under s. 93.06 (1s).

20 **SECTION 2404.** 77.54 (43) of the statutes is amended to read:

21 77.54 **(43)** The ~~gross receipts~~ sales price from the sale of and the storage, use
22 or other consumption of raw materials used for the processing, fabricating or
23 manufacturing of, or the attaching to or incorporating into, printed materials that
24 are transported and used solely outside this state.

SENATE BILL 40**SECTION 2405**

1 **SECTION 2405.** 77.54 (44) of the statutes, as affected by 2005 Wisconsin Act 141,
2 is amended to read:

3 77.54 **(44)** The ~~gross receipts~~ sales price from the collection of low-income
4 assistance fees that are charged under s. 16.957 (4) (a) or (5) (a).

5 **SECTION 2406.** 77.54 (45) of the statutes is amended to read:

6 77.54 **(45)** The ~~gross receipts~~ sales price from the sale of and the use or other
7 consumption of a onetime license or similar right to purchase admission to
8 professional football games at a football stadium, as defined in s. 229.821 (6), that
9 is granted by a municipality; a local professional football stadium district; or a
10 professional football team or related party, as defined in s. 229.821 (12); if the person
11 who buys the license or right is entitled, at the time the license or right is transferred
12 to the person, to purchase admission to at least 3 professional football games in this
13 state during one football season.

14 **SECTION 2407.** 77.54 (46) of the statutes is amended to read:

15 77.54 **(46)** The ~~gross receipts~~ sales price from the sale of and the storage, use,
16 or other consumption of the U.S. flag or the state flag. This subsection does not apply
17 to a representation of the U.S. flag or the state flag.

18 **SECTION 2408.** 77.54 (46m) of the statutes is amended to read:

19 77.54 **(46m)** The ~~gross receipts~~ sales price from the sale of and the storage, use,
20 or other consumption of telecommunications services, if the telecommunications
21 services are obtained by using the rights to purchase telecommunications services,
22 including purchasing reauthorization numbers, by paying in advance and by using
23 an access number and authorization code; and if the tax imposed under s. 77.52 or
24 77.53 was previously paid on the sale or purchase of such rights.

25 **SECTION 2409.** 77.54 (47) (intro.) of the statutes is amended to read:

SENATE BILL 40**SECTION 2409**

1 77.54 (47) (intro.) The ~~gross receipts~~ sales price from the sale of and the storage,
2 use, or other consumption of all of the following:

3 **SECTION 2410.** 77.54 (47) (b) 1. and 2. of the statutes are amended to read:

4 77.54 (47) (b) 1. The shooting facility is required to pay the tax imposed under
5 s. 77.52 on its ~~gross receipts~~ the sales price from charges for shooting at the facility.

6 2. The shooting facility is a nonprofit organization that charges for shooting at
7 the facility, but is not required to pay the tax imposed under s. 77.52 on its ~~gross~~
8 receipts the sales price from such charges because the charges are for occasional
9 sales, as provided under sub. (7m).

10 **SECTION 2411.** 77.54 (48) (a) of the statutes is renumbered 77.585 (9) (a) and
11 amended to read:

12 77.585 (9) (a) Subject to 2005 Wisconsin Act 479, section 17, the ~~gross receipts~~
13 ~~from the sale of and the storage, use, or other consumption~~ a purchaser may claim
14 as a deduction that portion of its purchase price of Internet equipment used in the
15 broadband market for which the tax was imposed under this subchapter, if the
16 purchaser certifies to the department of commerce, in the manner prescribed by the
17 department of commerce, that the purchaser will, within 24 months after July 1,
18 2007, make an investment that is reasonably calculated to increase broadband
19 Internet availability in this state. The purchaser shall claim the deduction in the
20 same reporting period as the purchaser paid the tax imposed under this subchapter.

21 **SECTION 2412.** 77.54 (48) (b) of the statutes is renumbered 77.585 (9) (b).

22 **SECTION 2413.** 77.54 (49) of the statutes is amended to read:

23 77.54 (49) The ~~gross receipts~~ sales price from the sale of and the storage, use,
24 or other consumption of taxable services and tangible personal property that is
25 physically transferred to the purchaser as a necessary part of services that are

SENATE BILL 40**SECTION 2413**

1 subject to the taxes imposed under s. 77.52 (2) (a) 7., 10., 11., and 20., if the seller and
2 the purchaser of such services and property are members of the same affiliated group
3 under section 1504 of the Internal Revenue Code and are eligible to file a single
4 consolidated return for federal income tax purposes. For purposes of this subsection,
5 if a seller purchases a taxable service or tangible personal property, as described in
6 the subsection, that is subsequently sold to a member of the seller's affiliated group
7 and the sale is exempt under this subsection from the taxes imposed under this
8 subchapter, the original purchase of the taxable service or tangible personal property
9 by the seller is not considered a sale for resale or exempt under this subsection.

10 **SECTION 2414.** 77.54 (50) of the statutes is created to read:

11 77.54 (50) The sales price from the sale of and the storage, use, or other
12 consumption of specified digital goods or additional digital goods that are transferred
13 electronically to the purchaser, if the sale of and the storage, use, or other
14 consumption of such goods sold in a tangible form is exempt from taxation under this
15 subchapter.

16 **SECTION 2415.** 77.54 (51) of the statutes is created to read:

17 77.54 (51) The sales price from the sales of and the storage, use, or other
18 consumption of products sold in a transaction that would be a bundled transaction,
19 except that it contains taxable and nontaxable products as described in s. 77.51 (1f)
20 (d), and except that the first person combining the products shall pay the tax imposed
21 under this subchapter on the person's purchase price of the taxable items.

22 **SECTION 2416.** 77.54 (52) of the statutes is created to read:

23 77.54 (52) The sales price from the sales of and the storage, use, or other
24 consumption of products sold in a transaction that would be a bundled transaction,
25 except that the transaction meets the conditions described in s. 77.51 (1f) (e).

SENATE BILL 40**SECTION 2417**

1 **SECTION 2417.** 77.54 (53) of the statutes is created to read:

2 77.54 **(53)** (a) In this subsection:

3 1. “Animals” include bacteria, viruses, and other microorganisms.

4 2. “Manufacturing” has the meaning given in sub. (6m).

5 3. “Qualified research” means qualified research as defined under section 41
6 (d) (1) of the Internal Revenue Code, except that research conducted by a public or
7 private institution of higher education or by a governmental unit is “qualified
8 research” if applying the research is intended to be useful in developing a new or
9 improved product or service and the research satisfies section 41 (d) (1) (B) (i) and
10 (C) of the Internal Revenue Code.

11 (b) The gross receipts from the sale of and the storage, use, or other
12 consumption of:

13 1. Machines and specific processing equipment, including accessories,
14 attachments, and parts for the machines or equipment, that are used exclusively and
15 directly in raising animals that are sold primarily to a biotechnology business, a
16 public or private institution of higher education, or a governmental unit for exclusive
17 and direct use by any such entity in qualified research or manufacturing.

18 2. The items listed in sub. (3m) (a) to (m), medicines, semen for artificial
19 insemination, fuel, and electricity that are used exclusively and directly in raising
20 animals that are sold primarily to a biotechnology business, a public or private
21 institution of higher education, or a governmental unit for exclusive and direct use
22 by any such entity in qualified research or manufacturing.

23 3. Machines and specific processing equipment, including accessories,
24 attachments, and parts for the machines or equipment, that are sold to a

SENATE BILL 40**SECTION 2417**

1 biotechnology business and used exclusively and directly in qualified research in
2 biotechnology.

3 4. Tangible personal property that is sold to a biotechnology business, if the
4 property is consumed or destroyed or loses its identity while being used exclusively
5 and directly in qualified research in biotechnology.

6 5. Animals that are sold to a biotechnology business and used exclusively and
7 directly in qualified research in biotechnology.

8 (c) A person who claims an exemption under par. (b) 1. and 2. shall obtain
9 written documentation from the person's customers related to each customer's use
10 of animals, including the percentage of animals sold to the customer that are used
11 exclusively and directly in qualified research.

12 (d) The department shall publish on the department's Internet site a list of all
13 biotechnology businesses certified by the department.

14 **SECTION 2418.** 77.54 (53) (b) (intro.) of the statutes, as created by 2007
15 Wisconsin Act (this act), is repealed and recreated to read:

16 77.54 (53) (b) (intro.) The sales price from the sale of and the storage, use, or
17 other consumption of:

18 **SECTION 2419.** 77.54 (54) of the statutes, as created by 2007 Wisconsin Act
19 (this act), is repealed and recreated to read:

20 77.54 (54) The sales price from the sale of and the storage, use, or other
21 consumption of tangible personal property and taxable services that are sold by a
22 home exchange service that receives moneys from the appropriation account under
23 s. 20.485 (1) (g) and is operated by the department of veterans affairs.

24 **SECTION 2420.** 77.55 (1) (intro.) of the statutes is amended to read:

SENATE BILL 40**SECTION 2420**

1 77.55 (1) (intro.) There ~~are~~ is exempted from the computation of the amount
2 of the sales tax the ~~gross receipts~~ sales price from the sale of any tangible personal
3 property or services to:

4 **SECTION 2421.** 77.55 (2) of the statutes is amended to read:

5 77.55 (2) There ~~are~~ is exempted from the computation of the amount of the sales
6 tax the ~~gross receipts~~ sales price from sales of tangible personal property to a
7 common or contract carrier, shipped by the seller via the purchasing carrier under
8 a bill of lading whether the freight is paid in advance, or the shipment is made freight
9 charges collect, to a point outside this state and the property is actually transported
10 to the out-of-state destination for use by the carrier in the conduct of its business
11 as a carrier.

12 **SECTION 2422.** 77.55 (2m) of the statutes is amended to read:

13 77.55 (2m) There ~~are~~ is exempted from the computation of the amount of sales
14 tax the ~~gross receipts~~ sales price from sales of railroad crossties to a common or
15 contract carrier, shipped wholly or in part by way of the purchasing carrier under a
16 bill of lading, whether the freight is paid in advance or the shipment is made freight
17 charges collect, to a point outside this state if the property is transported to the
18 out-of-state destination for use by the carrier in the conduct of its business as a
19 carrier. Interruption of the shipment for storage, drying, processing or creosoting of
20 the railroad crossties in this state does not invalidate the exemption under this
21 subsection.

22 **SECTION 2423.** 77.55 (3) of the statutes is amended to read:

23 77.55 (3) There ~~are~~ is exempted from the computation of the amount of the sales
24 tax the ~~gross receipts~~ sales price from sales of tangible personal property purchased
25 for use solely outside this state and delivered to a forwarding agent, export packer,

SENATE BILL 40**SECTION 2423**

1 or other person engaged in the business of preparing goods for export or arranging
2 for their exportation, and actually delivered to a port outside the continental limits
3 of the United States prior to making any use thereof.

4 **SECTION 2424.** 77.56 (1) of the statutes is amended to read:

5 77.56 (1) The storage, use or other consumption in this state of property, the
6 ~~gross receipts~~ sales price from the sale of which are is reported to the department in
7 the measure of the sales tax, is exempted from the use tax.

8 **SECTION 2425.** 77.57 of the statutes is amended to read:

9 **77.57 Liability of purchaser.** If a purchaser certifies in writing to a seller
10 that the property, specified digital goods, or additional digital goods purchased will
11 be used in a manner or for a purpose entitling the seller to regard the ~~gross receipts~~
12 sales price from the sale as exempted by this subchapter from the computation of the
13 amount of the sales tax and uses the property, specified digital goods, or additional
14 digital goods in some other manner or for some other purpose, the purchaser is liable
15 for payment of the sales tax. The tax shall be measured by the sales price of the
16 property, specified digital goods, or additional digital goods to the purchaser, ~~but if~~
17 ~~the taxable use first occurs more than 6 months after the sale to the purchaser, the~~
18 ~~purchaser may use as the measure of the tax either that sales price or the fair market~~
19 ~~value of the property at the time the taxable use first occurs.~~

20 **SECTION 2426.** 77.58 (3) (a) of the statutes is amended to read:

21 77.58 (3) (a) For purposes of the sales tax a return shall be filed by every seller.
22 For purposes of the use tax a return shall be filed by every retailer engaged in
23 business in this state and by every person purchasing tangible personal property,
24 specified digital goods, additional digital goods, or services, the storage, use, or other
25 consumption of which is subject to the use tax, who has not paid the use tax due to

SENATE BILL 40**SECTION 2426**

1 a retailer required to collect the tax. If a qualified subchapter S subsidiary is not
2 regarded as a separate entity under ch. 71, the owner of that subsidiary shall include
3 the information for that subsidiary on the owner's return. Returns shall be signed
4 by the person required to file the return or by a duly authorized agent but need not
5 be verified by oath. If a single-owner entity is disregarded as a separate entity under
6 ch. 71, the owner shall include the information from the entity on the owner's return.

7 **SECTION 2427.** 77.58 (3) (b) of the statutes is amended to read:

8 77.58 (3) (b) ~~For purposes of the sales tax the return shall show the gross~~
9 ~~receipts of the seller during the preceding reporting period. For purposes of the use~~
10 ~~tax, in case of a return filed by a retailer, the return shall show the total sales price~~
11 ~~of the property or taxable services sold, the storage, use or consumption of which~~
12 ~~became subject to the use tax during the preceding reporting period. In case of a sales~~
13 ~~or use tax return filed by a purchaser, the return shall show the total sales price of~~
14 ~~the property and taxable services purchased, the storage, use or consumption of~~
15 ~~which became subject to the use tax during the preceding reporting period. The~~
16 return shall also show the amount of the taxes for the period covered by the return
17 and such other information as the department deems necessary for the proper
18 administration of this subchapter.

19 **SECTION 2428.** 77.58 (6) of the statutes is amended to read:

20 77.58 (6) For the purposes of the sales tax gross receipts, the sales price from
21 rentals or leases of tangible personal property, specified digital goods, or additional
22 digital goods shall be reported and the tax paid in accordance with such rules as the
23 department prescribes.

24 **SECTION 2429.** 77.58 (6m) of the statutes is created to read:

SENATE BILL 40**SECTION 2429**

1 **77.58 (6m)** (a) The department may, in cases where it is satisfied that an undue
2 hardship would otherwise result, permit the reporting of a sales price or purchase
3 price on some basis other than the accrual basis.

4 (b) The entire sales price of credit transactions shall be reported in the period
5 in which the sale is made without reduction in the amount of tax payable by the
6 retailer by reason of the retailer's transfer at a discount of any open account, note,
7 conditional sales contract, lease contract, or other evidence of indebtedness.

8 **SECTION 2430.** 77.58 (9) of the statutes is created to read:

9 **77.58 (9)** The department may require a filing fee for sales tax returns that are
10 filed on paper.

11 **SECTION 2431.** 77.58 (9a) of the statutes is created to read:

12 **77.58 (9a)** In addition to filing a return as provided in this section, a person
13 described under s. 77.524 (3), (4), or (5) shall provide to the department any
14 information that the department considers necessary for the administration of this
15 subchapter, in the manner prescribed by the department, except that the
16 department may not require that the person provide such information to the
17 department more than once every 180 days.

18 **SECTION 2432.** 77.585 of the statutes is created to read:

19 **77.585 Return adjustments. (1)** (a) In this subsection, "bad debt" means the
20 portion of the sales price or purchase price that the seller has reported as taxable
21 under this subchapter and that the seller may claim as a deduction under section 166
22 of the Internal Revenue Code. "Bad debt" does not include financing charges or
23 interest, sales or use taxes imposed on the sales price or purchase price, uncollectible
24 amounts on property, specified digital goods, or additional digital goods that remain
25 in the seller's possession until the full sales price or purchase price is paid, expenses

SENATE BILL 40**SECTION 2432**

1 incurred in attempting to collect any debt, debts sold or assigned to 3rd parties for
2 collection, and repossessed property.

3 (b) A seller may claim as a deduction on a return under s. 77.58 the amount of
4 any bad debt that the seller writes off as uncollectible in the seller's books and records
5 and that is eligible to be deducted as a bad debt for federal income tax purposes,
6 regardless of whether the seller is required to file a federal income tax return. A
7 seller who claims a deduction under this paragraph shall claim the deduction on the
8 return under s. 77.58 that is submitted for the period in which the seller writes off
9 the amount of the deduction as uncollectible in the seller's books and records and in
10 which such amount is eligible to be deducted as bad debt for federal income tax
11 purposes. If the seller subsequently collects in whole or in part any bad debt for
12 which a deduction is claimed under this paragraph, the seller shall include the
13 amount collected in the return filed for the period in which the amount is collected
14 and shall pay the tax with the return.

15 (c) For purposes of computing a bad debt deduction or reporting a payment
16 received on a previously claimed bad debt, any payment made on a debt or on an
17 account is applied first to the price of the property, specified digital goods, additional
18 digital goods, or service sold, and the proportionate share of the sales tax on that
19 property, specified digital goods, additional digital goods, or service, and then to
20 interest, service charges, and other charges related to the sale.

21 (d) A seller may obtain a refund of the tax collected on any bad debt amount
22 deducted under par. (b) that exceeds the amount of the seller's taxable sales as
23 provided under s. 77.59 (4), except that the period for making a claim as determined
24 under s. 77.59 (4) begins on the date on which the return on which the bad debt could

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1 be claimed would have been required to be submitted to the department under s.
2 77.58.

3 (e) If a seller is using a certified service provider, the certified service provider
4 may claim a bad debt deduction under this subsection on the seller's behalf if the
5 seller has not claimed and will not claim the same deduction. A certified service
6 provider who receives a bad debt deduction under this subsection shall credit that
7 deduction to the seller and a certified service provider who receives a refund under
8 this subsection shall submit that refund to the seller.

9 (f) If a bad debt relates to the retail sales of tangible personal property, specified
10 digital goods, additional digital goods, or taxable services that occurred in this state
11 and in one or more other states, as determined under s. 77.522, the total amount of
12 such bad debt shall be apportioned among the states in which the underlying sales
13 occurred in a manner prescribed by the department to arrive at the amount of the
14 deduction under par. (b).

15 **(2)** If a lessor of tangible personal property, specified digital goods, or additional
16 digital goods has reimbursed the vendor for the sales tax on the sale of the property
17 or goods by the vendor to the lessor, the tax due from the lessor on the rental receipts
18 may be offset by a credit equal to the tax otherwise due on the rental receipts from
19 the property or goods for the reporting period. The credit shall expire when the
20 cumulative rental receipts equal the sales price upon which the vendor paid sales
21 taxes to this state.

22 **(3)** If a purchaser of tangible personal property, specified digital goods, or
23 additional digital goods has reimbursed the vendor of the property or goods for the
24 sales tax on the sale and subsequently, before making any use of the property or
25 goods other than retention, demonstration, or display while holding it for sale or

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1 rental, makes a taxable sale of the property or goods, the tax due on the taxable sale
2 may be offset by the tax reimbursed.

3 (4) A seller may claim a deduction on any part of the sales price or purchase
4 price that the seller refunds in cash or credit as a result of returned property,
5 specified digital goods, or additional digital goods or adjustments in the sales price
6 or purchase price after the sale has been completed, if the seller has included the
7 refunded price in a prior return made by the seller and has paid the tax on such price,
8 and if the seller has returned to the purchaser in cash or in credit all tax previously
9 paid by the purchaser on the amount of the refund at the time of the purchase. A
10 deduction under this subsection shall be claimed on the return for the period in which
11 the refund is paid.

12 (5) No reduction in the amount of tax payable by the retailer is allowable in the
13 event property, specified digital goods, or additional digital goods sold on credit are
14 repossessed except where the entire consideration paid by the purchaser is refunded
15 to the purchaser or where a credit for a worthless account is allowable under sub. (1).

16 (6) A purchaser who is subject to the use tax on the storage, use, or other
17 consumption of fuel may claim a deduction from the purchase price that is subject
18 to the use tax for fuel taxes refunded by this state or the United States to the
19 purchaser that is included in the purchase price of the fuel.

20 (7) For sales tax purposes, if a retailer establishes to the department's
21 satisfaction that the sales tax has been added to the total amount of the sales price
22 and has not been absorbed by the retailer, the total amount of the sales price shall
23 be the amount received exclusive of the sales tax imposed.

24 (8) A sale or purchase involving transfer of ownership of property, specified
25 digital goods, or additional digital goods is completed at the time when possession

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1 is transferred by the seller or the seller's agent to the purchaser or the purchaser's
2 agent, except that for purposes of sub. (1) a common carrier or the U.S. postal service
3 shall be considered the agent of the seller, regardless of any f.o.b. point and
4 regardless of the method by which freight or postage is paid.

5 **SECTION 2433.** 77.59 (2m) of the statutes is created to read:

6 77.59 (2m) The department may audit, or may authorize others to audit, sellers
7 and certified service providers who are registered with the department pursuant to
8 the agreement, as defined in s. 77.65 (2) (a).

9 **SECTION 2434.** 77.59 (5m) of the statutes is amended to read:

10 77.59 (5m) A seller who receives a refund under sub. (4) (a) or (b) of taxes that
11 the seller has collected from buyers, who collects amounts as taxes erroneously from
12 buyers, but who does not remit such amounts to the state, or who is entitled to a
13 refund under sub. (4) (a) or (b) that is offset under sub. (5), shall submit the taxes and
14 related interest to the buyers from whom the taxes were collected, or to the
15 department if the seller cannot locate the buyers, within 90 days after the date of the
16 refund, after the date of the offset, or after discovering that the seller has collected
17 taxes erroneously from the buyers. If the seller does not submit the taxes and related
18 interest to the department or the buyers within that period, the seller shall submit
19 to the department any part of a refund or taxes that the seller does not submit to a
20 buyer or to the department along with a penalty of 25% of the amount not submitted
21 or, in the case of fraud, a penalty equal to the amount not submitted. A person who
22 collects amounts as taxes erroneously from buyers for a real property construction
23 activity or nontaxable service may reduce the taxes and interest that he or she is
24 required to submit to the buyer or to the department under this subsection for that
25 activity or service by the amount of tax and interest subsequently due and paid on

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1 the sale of or the storage, use, or other consumption of tangible personal property,
2 specified digital goods, or additional digital goods that is are used by the person in
3 that activity or service and transferred to the buyer.

4 **SECTION 2435.** 77.59 (7) of the statutes is amended to read:

5 77.59 (7) If the department believes that the collection of any tax imposed by
6 this subchapter will be jeopardized by delay, it shall notify the person determined to
7 owe the tax of its intention to proceed under s. 71.91 (5) for collection of the amount
8 determined to be owing, including penalties and interest. Such notice shall be by
9 certified or registered mail or by personal service and the warrant of the department
10 shall not issue if the person, within 10 days after such notice furnishes a bond in such
11 amount not exceeding double the amount determined to be owing and with such
12 sureties as the department approves, conditioned upon the payment of so much of
13 the taxes, interest, and penalties as shall finally be determined to be due. Nothing
14 in this subsection shall affect the review of determinations of tax as provided in this
15 subchapter and any amounts collected under this subsection shall be deposited with
16 the ~~secretary of administration~~ department and disbursed after final determination
17 of the taxes as are amounts deposited under ss. 71.89 (1) and 71.90 (2).

18 **SECTION 2436.** 77.59 (9) of the statutes is amended to read:

19 77.59 (9) If any person fails to file a return, the department shall make an
20 estimate of the amount of the ~~gross receipts~~ sales price of the person person's sales,
21 or, as the case may be, of the amount of the total sales purchase price of tangible
22 personal property, specified digital goods, additional digital goods, or taxable service
23 sold or purchased by the person, the sale by or the storage, use, or other consumption
24 of which in this state is subject to sales or use tax. The estimate shall be made for
25 the period in respect to which the person failed to make a return and shall be based

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1 upon any information which is in the department's possession or may come into its
2 possession. Upon the basis of this estimate the department shall compute and
3 determine the amount required to be paid to the state, adding to the sum thus arrived
4 at a penalty equal to 25% thereof. One or more such determinations may be made
5 for one or for more than one period. When a business is discontinued a determination
6 may be made at any time thereafter, within the periods specified in sub. (3), as to
7 liability arising out of that business.

8 **SECTION 2437.** 77.59 (9n) of the statutes is created to read:

9 77.59 (9n) (a) Notwithstanding s. 73.03 (47), no seller or certified service
10 provider is liable for tax, interest, or penalties imposed on a transaction under this
11 subchapter in the circumstances covered under sections 306, 328, and 502 of the
12 agreement, as defined in s. 77.65 (2) (a).

13 (b) A purchaser is not liable for the tax, interest, or penalties imposed on a
14 transaction under this subchapter in the circumstances covered by section 331 of the
15 agreement, as defined in s. 77.65 (2) (a).

16 **SECTION 2438.** 77.59 (9p) (b) of the statutes is created to read:

17 77.59 (9p) (b) If a customer purchases a service that is not subject to 4 USC 116
18 to 126, as amended by P.L. 106-252, or tangible personal property, specified digital
19 goods, or additional digital goods, and if the customer believes that the amount of the
20 tax assessed for the sale of the service, property, or goods under this subchapter is
21 erroneous, the customer may request that the seller correct the alleged error by
22 sending a written notice to the seller. The notice shall include a description of the
23 alleged error and any other information that the seller reasonably requires to process
24 the request. Within 60 days from the date that a seller receives a request under this
25 paragraph, the seller shall review its records to determine the validity of the

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1 customer's claim. If the review indicates that there is no error as alleged, the seller
2 shall explain the findings of the review in writing to the customer. If the review
3 indicates that there is an error as alleged, the seller shall correct the error and shall
4 refund the amount of any tax collected erroneously, along with the related interest,
5 as a result of the error from the customer, consistent with s. 77.59 (4). A customer
6 may take no other action against the seller, or commence any action against the
7 seller, to correct an alleged error in the amount of the tax assessed under this
8 subchapter on a service that is not subject to 4 USC 116 to 126, as amended by P.L.
9 106–252, or tangible personal property, specified digital goods, or additional digital
10 goods unless the customer has exhausted his or her remedies under this paragraph.

11 **SECTION 2439.** 77.59 (9r) of the statutes is created to read:

12 77.59 (9r) With regard to a purchaser's request for a refund under this section,
13 a seller is presumed to have reasonable business practices if the seller uses a certified
14 service provider, a certified automated system, as defined in s. 77.524 (1) (am), or a
15 proprietary system certified by the department to collect the taxes imposed under
16 this subchapter and if the seller has remitted to the department all taxes collected
17 under this subchapter, less any deductions, credits, or allowances.

18 **SECTION 2440.** 77.60 (13) of the statutes is created to read:

19 77.60 (13) A person who uses any of the following documents in a manner that
20 is prohibited by or inconsistent with this subchapter, or provides incorrect
21 information to a seller or certified service provider related to the use of such
22 documents or regarding an exemption to the taxes imposed under this subchapter,
23 shall pay a penalty of \$250 for each invoice or bill of sale related to the prohibited or
24 inconsistent use or incorrect information:

25 (a) An exemption certificate described under ss. 77.52 (13) and 77.53 (10).

SENATE BILL 40**SECTION 2440**

1 (b) A direct pay permit under s. 77.52 (17m).

2 (c) A direct mail form, as defined in s. 77.522 (1) (a) 1.

3 **SECTION 2441.** 77.61 (1) (b) of the statutes is amended to read:

4 77.61 (1) (b) In the case of ~~a motor vehicle~~ motor vehicles, boats, snowmobiles,
5 mobile homes not exceeding 45 feet in length, trailers, semitrailers, all-terrain
6 vehicles, or aircraft purchased from a ~~licensed Wisconsin motor vehicle dealer~~
7 ~~retailer~~, the registrant shall present proof that the tax has been paid to such dealer
8 retailer.

9 **SECTION 2442.** 77.61 (1) (c) of the statutes is amended to read:

10 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, mobile homes
11 not exceeding 45 feet in length, trailers, semitrailers, all-terrain vehicles or aircraft
12 registered or titled, or required to be registered or titled, in this state purchased from
13 persons who are not ~~Wisconsin boat, trailer or semitrailer dealers, licensed~~
14 ~~Wisconsin aircraft, motor vehicle or mobile home dealers or registered Wisconsin~~
15 ~~snowmobile or all-terrain vehicle dealers~~ retailers, the purchaser shall file a sales
16 tax return and pay the tax prior to registering or titling the motor vehicle, boat,
17 snowmobile, mobile home not exceeding 45 feet in length, trailer, semitrailer,
18 all-terrain vehicle or aircraft in this state.

19 **SECTION 2443.** 77.61 (2) of the statutes is renumbered 77.61 (2) (intro.) and
20 amended to read:

21 77.61 (2) (intro.) In order to protect the revenue of the state:

22 (a) Except as provided in par. (b), the department may require any person who
23 is or will be liable to it for the tax imposed by this subchapter to place with it, before
24 or after a permit is issued, the security, not in excess of \$15,000, that the department
25 determines. In determining the amount of security to require under this subsection,

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1 the department may consider the person's payment of other taxes administered by
2 the department and any other relevant facts. If any taxpayer fails or refuses to place
3 that security, the department may refuse or revoke the permit. If any taxpayer is
4 delinquent in the payment of the taxes imposed by this subchapter, the department
5 may, upon 10 days' notice, recover the taxes, interest, costs and penalties from the
6 security placed with the department by the taxpayer in the following order: costs,
7 penalties, delinquent interest, delinquent tax. No interest may be paid or allowed
8 by the state to any person for the deposit of security. Any security deposited under
9 this subsection shall be returned to the taxpayer if the taxpayer has, for 24
10 consecutive months, complied with all the requirements of this subchapter.

11 **SECTION 2444.** 77.61 (2) (b) of the statutes is created to read:

12 77.61 (2) (b) A certified service provider who has contracted with a seller, and
13 filed an application, to collect and remit sales and use taxes imposed under this
14 subchapter on behalf of the seller shall submit a surety bond to the department to
15 guarantee the payment of sales and use taxes, including any penalty and interest on
16 such payment. The department shall approve the form and contents of a bond
17 submitted under this paragraph and shall determine the amount of such bond. The
18 surety bond shall be submitted to the department within 60 days after the date on
19 which the department notifies the certified service provider that the certified service
20 provider is registered to collect sales and use taxes imposed under this subchapter.
21 If the department determines, with regards to any one certified service provider, that
22 no bond is necessary to protect the tax revenues of this state, the secretary of revenue
23 or the secretary's designee may waive the requirements under this paragraph with
24 regard to that certified service provider. Any bond submitted under this paragraph

SENATE BILL 40**SECTION 2444**

1 shall remain in force until the secretary of revenue or the secretary's designee
2 releases the liability under the bond.

3 **SECTION 2445.** 77.61 (3) of the statutes is repealed.

4 **SECTION 2446.** 77.61 (3m) of the statutes is created to read:

5 77.61 **(3m)** A retailer shall use a straight mathematical computation to
6 determine the amount of the tax that the retailer may collect from the retailer's
7 customers. The retailer shall calculate the tax amount by combining the applicable
8 tax rates under this subchapter and subch. V and multiplying the combined tax rate
9 by the sales price or purchase price of each item or invoice, as appropriate. The
10 retailer shall calculate the tax amount to the 3rd decimal place, disregard tax
11 amounts of less than 0.5 cent, and consider tax amounts of at least 0.5 cent but less
12 than 1 cent to be an additional cent. The use of a straight mathematical computation,
13 as provided in this subsection, shall not relieve the retailer from liability for payment
14 of the full amount of the tax levied under this subchapter.

15 **SECTION 2447.** 77.61 (4) (a) of the statutes is amended to read:

16 77.61 **(4)** (a) Every seller and retailer and every person storing, using or
17 otherwise consuming in this state tangible personal property, specified digital goods,
18 additional digital goods, or taxable services purchased from a retailer shall keep such
19 records, receipts, invoices, and other pertinent papers and records, including
20 machine-readable records, in such form as the department requires. The
21 department may, after giving notice, require any person to keep whatever records are
22 needed for the department to compute the sales or use taxes the person should pay.
23 Thereafter, the department shall add to any taxes assessed on the basis of
24 information not contained in the records required a penalty of 25% of the amount of
25 the tax so assessed in addition to all other penalties under this chapter.

SENATE BILL 40**SECTION 2448**

1 **SECTION 2448.** 77.61 (4) (c) of the statutes is amended to read:

2 77.61 **(4)** (c) For reporting the sales tax and collecting and reporting the use tax
3 imposed on the retailer under s. 77.53 (3) and the accounting connected with it,
4 retailers, not including certified service providers, may deduct 0.5% of those taxes
5 payable or \$10 for that reporting period required under s. 77.58 (1), whichever is
6 greater, but not more than the amount of the sales taxes or use taxes that is payable
7 under ss. 77.52 (1) and 77.53 (3) for that reporting period required under s. 77.58 (1),
8 as administration expenses if the payment of the taxes is not delinquent. For
9 purposes of calculating the retailer’s discount under this paragraph, the taxes on
10 retail sales reported by retailers under subch. V, including taxes collected and
11 remitted as required under s. 77.785, shall be included if the payment of those taxes
12 is not delinquent.

13 **SECTION 2449.** 77.61 (5) (b) 11. of the statutes is amended to read:

14 77.61 **(5)** (b) 11. The department of ~~workforce development~~ children and
15 families or a county child support agency under s. 59.53 (5) in response to a request
16 under s. 49.22 (2m).

17 **SECTION 2450.** 77.61 (5m) of the statutes is created to read:

18 77.61 **(5m)** (a) In this subsection, “personally identifiable information” means
19 any information that identifies a person.

20 (b) A certified service provider may use personally identifiable information as
21 necessary only for the administration of its system to perform a seller’s sales and use
22 tax functions and shall provide consumers clear and conspicuous notice of its practice
23 regarding such information, including what information it collects, how it collects
24 the information, how it uses the information, how long, if at all, it retains the

SENATE BILL 40**SECTION 2450**

1 information, and under what circumstances it discloses the information to states
2 participating in the agreement, as defined in 77.65 (2) (a).

3 (c) A certified service provider may collect, use, and retain personally
4 identifiable information only to verify exemption claims, to investigate fraud, and to
5 ensure its system's reliability.

6 (d) A certified service provider shall provide sufficient technical, physical, and
7 administrative safeguards to protect personally identifiable information from
8 unauthorized access and disclosure.

9 (e) For purposes of this subchapter, the state shall provide to consumers public
10 notice of the state's practices related to collecting, using, and retaining personally
11 identifiable information.

12 (f) The state shall not retain personally identifiable information obtained for
13 purposes of administering this subchapter unless the state is otherwise required to
14 retain the information by law or as provided under the agreement, as defined in s.
15 77.65 (2) (a).

16 (g) For purposes of this subchapter, the state shall provide an individual
17 reasonable access to that individual's personally identifiable information and the
18 right to correct any inaccurately recorded information.

19 (h) If any person, other than another state that is a signatory to the agreement,
20 as defined in s. 77.65 (2) (a), or a person authorized under state law to access the
21 information, requests access to an individual's personally identifiable information,
22 the state shall make a reasonable and timely effort to notify the individual of the
23 request.

24 **SECTION 2451.** 77.61 (11) of the statutes is amended to read:

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1 77.61 (11) Any city, village or town clerk or other official whose duty it is to issue
2 licenses or permits to engage in a business involving the sale at retail of tangible
3 personal property subject to tax under this subchapter, or the furnishing of services
4 so subject to tax, shall, before issuing such license or permit, require proof that the
5 person to whom such license or permit is to be issued is the holder of a seller's permit
6 ~~as required by~~ or is registered to collect, report, and remit use tax under this
7 subchapter or has been informed by an employee of the department that the
8 department will issue a seller's permit to that person or register that person to
9 collect, report, and remit use tax.

10 **SECTION 2452.** 77.61 (11) of the statutes, as affected by 2007 Wisconsin Act ...
11 (this act), is amended to read:

12 77.61 (11) Any city, village or town clerk or other official whose duty it is to issue
13 licenses or permits to engage in a business involving the sale at retail of tangible
14 personal property, specified digital goods, or additional digital goods subject to tax
15 under this subchapter, or the furnishing of services so subject to tax, shall, before
16 issuing such license or permit, require proof that the person to whom such license
17 or permit is to be issued is the holder of a seller's permit or is registered to collect,
18 report, and remit use tax under this subchapter or has been informed by an employee
19 of the department that the department will issue a seller's permit to that person or
20 register that person to collect, report, and remit use tax.

21 **SECTION 2453.** 77.61 (16) of the statutes is created to read:

22 77.61 (16) Any person who remits taxes and files returns under this subchapter
23 may designate an agent, as defined in s. 77.524 (1) (ag), to remit such taxes and file
24 such returns with the department in a manner prescribed by the department.

25 **SECTION 2454.** 77.63 of the statutes is repealed and recreated to read:

SENATE BILL 40**SECTION 2454**

1 **77.63 Collection compensation.** The following persons may retain a portion
2 of sales and use taxes collected on retail sales under this subchapter and subch. V
3 in an amount determined by the department and by contracts that the department
4 enters into jointly with other states as a member state of the streamlined sales tax
5 governing board pursuant to the agreement, as defined in s. 77.65 (2) (a):

6 **(1)** A certified service provider.

7 **(2)** A seller that uses a certified automated system, as defined in s. 77.524 (1)
8 (am).

9 **(3)** A seller that sells tangible personal property, specified digital goods,
10 additional digital goods, or taxable services in at least 5 states that are signatories
11 to the agreement, as defined in s. 77.65 (2) (a); that has total annual sales revenue
12 of at least \$500,000,000; that has a proprietary system that calculates the amount
13 of tax owed to each taxing jurisdiction in which the seller sells tangible personal
14 property, specified digital goods, additional digital goods, or taxable services; and
15 that has entered into a performance agreement with the states that are signatories
16 to the agreement, as defined in s. 77.65 (2) (a). For purposes of this subsection,
17 “seller” includes an affiliated group of sellers using the same proprietary system to
18 calculate the amount of tax owed in each taxing jurisdiction in which the sellers sell
19 tangible personal property, specified digital goods, additional digital goods, or
20 taxable services.

21 **SECTION 2455.** 77.65 (2) (c) of the statutes is repealed.

22 **SECTION 2456.** 77.65 (2) (e) of the statutes is amended to read:

23 77.65 **(2)** (e) “Seller” means any person who sells, leases, or rents tangible
24 personal property, specified digital goods, additional digital goods, or services.

25 **SECTION 2457.** 77.65 (2) (f) of the statutes is amended to read:

SENATE BILL 40**SECTION 2457**

1 77.65 (2) (f) “State” means any state of the United States and, the District of
2 Columbia, and the Commonwealth of Puerto Rico.

3 **SECTION 2458.** 77.65 (4) (fm) of the statutes is created to read:

4 77.65 (4) (fm) Provide that a seller who registers with the central electronic
5 registration system under par. (f) may cancel the registration at any time, as
6 provided under uniform procedures adopted by the governing board of the states that
7 are signatories to the agreement, but is required to remit any Wisconsin taxes
8 collected pursuant to the agreement to the department.

9 **SECTION 2459.** 77.66 of the statutes is amended to read:

10 **77.66 Certification for collection of sales and use tax.** The secretary of
11 revenue shall determine and periodically certify to the secretary of administration
12 the names of persons, and affiliates, as defined in s. 16.70 (1b), of persons, who make
13 sales of tangible personal property, specified digital goods, additional digital goods,
14 and taxable services that are subject to the taxes imposed under this subchapter but
15 who are not registered to collect and remit such taxes to the department or, if
16 registered, do not collect and remit such taxes.

17 **SECTION 2460.** 77.67 of the statutes is created to read:

18 **77.67 Amnesty for new registrants. (1)** A seller is not liable for uncollected
19 and unpaid taxes, including penalties and interest, imposed under this subchapter
20 and subch. V on sales made to purchasers in this state before the seller registers
21 under par. (a), if all of the following apply:

22 (a) The seller registers with the department, in a manner that the department
23 prescribes, to collect and remit the taxes imposed under this subchapter and subch.
24 V on sales to purchasers in this state in accordance with the agreement, as defined
25 in s. 77.65 (2) (a).

SENATE BILL 40**SECTION 2460**

1 (b) The seller registers under par. (a) no later than 365 days after the effective
2 date of this state's participation in the agreement under s. 77.65 (2) (a), as
3 determined by the department.

4 (c) The seller was not registered to collect and remit the taxes imposed under
5 this subchapter and subch. V during the 365 consecutive days immediately before
6 the effective date of this state's participation in the agreement under s. 77.65 (2) (a),
7 as determined by the department.

8 (d) The seller has not received a notice of the commencement of an audit from
9 the department or, if the seller has received a notice of the commencement of an audit
10 from the department, the audit has not been resolved by any means, including any
11 related administrative and judicial processes, at the time that the seller registers
12 under par. (a).

13 (e) The seller has not committed or been involved in a fraud or an intentional
14 misrepresentation of a material fact.

15 (f) The seller collects and remits the taxes imposed under this subchapter and
16 subch. V on sales to purchasers in this state for at least 3 consecutive years after the
17 date on which the seller's collection obligation begins

18 **(2)** Subsection (1) does not apply to taxes imposed under this subchapter and
19 subch. V that are due from the seller for purchases made by the seller.

20 **SECTION 2461.** 77.70 of the statutes is amended to read:

21 **77.70 Adoption by county ordinance.** Any county desiring to impose county
22 sales and use taxes under this subchapter may do so by the adoption of an ordinance,
23 stating its purpose and referring to this subchapter. The county sales and use taxes
24 may be imposed only for the purpose of directly reducing the property tax levy and
25 only in their entirety as provided in this subchapter. That ordinance shall be

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1 effective on the first day of January, the first day of April, the first day of July or the
2 first day of October. A certified copy of that ordinance shall be delivered to the
3 secretary of revenue at least 120 days prior to its effective date. The repeal of any
4 such ordinance shall be effective on December 31. A certified copy of a repeal
5 ordinance shall be delivered to the secretary of revenue at least ~~60~~ 120 days before
6 the effective date of the repeal.

7 **SECTION 2462.** 77.705 of the statutes is amended to read:

8 **77.705 Adoption by resolution; baseball park district.** A local
9 professional baseball park district created under subch. III of ch. 229, by resolution
10 under s. 229.68 (15), may impose a sales tax and a use tax under this subchapter at
11 a rate of no more than 0.1% of the ~~gross receipts or sales price~~ or purchase price.
12 Those taxes may be imposed only in their entirety. The resolution shall be effective
13 on the first day of the first month January 1, April 1, July 1, or October 1 that begins
14 at least ~~30~~ 120 days after the adoption of the resolution. Any moneys transferred
15 from the appropriation account under s. 20.566 (1) (gd) to the appropriation account
16 under s. 20.835 (4) (gb) shall be used exclusively to retire the district's debt.

17 **SECTION 2463.** 77.706 of the statutes is amended to read:

18 **77.706 Adoption by resolution; football stadium district.** A local
19 professional football stadium district created under subch. IV of ch. 229, by
20 resolution under s. 229.824 (15), may impose a sales tax and a use tax under this
21 subchapter at a rate of 0.5% of the ~~gross receipts or sales price~~ or purchase price.
22 Those taxes may be imposed only in their entirety. The imposition of the taxes under
23 this section shall be effective on the first day of the first month January 1, April 1,
24 July 1, or October 1 that begins at least ~~30~~ 120 days after the certification of the
25 approval of the resolution by the electors in the district's jurisdiction under s. 229.824

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1 (15). Any moneys transferred from the appropriation account under s. 20.566 (1) (ge)
2 to the appropriation account under s. 20.835 (4) (ge) shall be used exclusively to retire
3 the district's debt.

4 **SECTION 2464.** 77.707 (1) of the statutes is amended to read:

5 77.707 (1) Retailers and the department of revenue may not collect a tax under
6 s. 77.705 for any local professional baseball park district created under subch. III of
7 ch. 229 after the last day of the calendar quarter during that is at least 120 days from
8 the date on which the local professional baseball park district board makes a
9 certification to the department of revenue under s. 229.685 (2), except that the
10 department of revenue may collect from retailers taxes that accrued before the day
11 after the last day of that calendar quarter and fees, interest and penalties that relate
12 to those taxes.

13 **SECTION 2465.** 77.707 (2) of the statutes is amended to read:

14 77.707 (2) Retailers and the department of revenue may not collect a tax under
15 s. 77.706 for any local professional football stadium district created under subch. IV
16 of ch. 229 after the last day of the calendar quarter during that is at least 120 days
17 from the date on which the local professional football stadium district board makes
18 all of the certifications to the department of revenue under s. 229.825 (3), except that
19 the department of revenue may collect from retailers taxes that accrued before the
20 day after the last day of that calendar quarter and fees, interest and penalties that
21 relate to those taxes.

22 **SECTION 2466.** 77.71 (1) of the statutes is amended to read:

23 77.71 (1) For the privilege of selling, licensing, leasing or renting tangible
24 personal property, and the property and items specified under s. 77.52 (1) (b) to (d),
25 and for the privilege of selling, licensing, performing or furnishing services a sales

SENATE BILL 40**SECTION 2466**

1 tax is imposed upon retailers at the rate of 0.5% in the case of a county tax or at the
2 rate under s. 77.705 or 77.706 in the case of a special district tax of the ~~gross receipts~~
3 sales price from the sale, licensing, lease or rental of tangible personal property,
4 except property taxed under sub. (4), sold, licensed, leased or rented at retail in the
5 county or special district or from selling, licensing, performing or furnishing services
6 described under s. 77.52 (2) in the county or special district.

7 **SECTION 2467.** 77.71 (2) of the statutes is amended to read:

8 77.71 (2) An excise tax is imposed at the rate of 0.5% in the case of a county tax
9 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the ~~sales~~
10 purchase price upon every person storing, using or otherwise consuming in the
11 county or special district tangible personal property, property and items specified
12 under s. 77.52 (1) (b) to (d), or services if the property, item, or service is subject to
13 the state use tax under s. 77.53, except that a receipt indicating that the tax under
14 sub. (1), (3) or (4) has been paid relieves the buyer of liability for the tax under this
15 subsection and except that if the buyer has paid a similar local tax in another state
16 on a purchase of the same property, item, or services that tax shall be credited against
17 the tax under this subsection and except that for motor vehicles that are used for a
18 purpose in addition to retention, demonstration or display while held for sale in the
19 regular course of business by a dealer the tax under this subsection is imposed not
20 on the ~~sales~~ purchase price but on the amount under s. 77.53 (1m).

21 **SECTION 2468.** 77.71 (3) of the statutes is amended to read:

22 77.71 (3) An excise tax is imposed upon a contractor engaged in construction
23 activities within the county or special district, at the rate of 0.5% in the case of a
24 county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax
25 of the ~~sales~~ purchase price of tangible personal property that is used in constructing,

SENATE BILL 40**SECTION 2468**

1 altering, repairing or improving real property and that becomes a component part
2 of real property in that county or special district, except that if the contractor has
3 paid the sales tax of a county in the case of a county tax or of a special district in the
4 case of a special district tax in this state on that property, or has paid a similar local
5 sales tax in another state on a purchase of the same property, that tax shall be
6 credited against the tax under this subsection.

7 **SECTION 2469.** 77.71 (4) of the statutes is amended to read:

8 77.71 (4) An excise tax is imposed at the rate of 0.5% in the case of a county tax
9 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales
10 purchase price upon every person storing, using or otherwise consuming a motor
11 vehicle, boat, ~~snowmobile~~, mobile home not exceeding 45 feet in length, ~~trailer~~,
12 ~~semitrailer~~, ~~all-terrain vehicle~~ or aircraft, if that property must be registered or
13 titled with this state and if that property is to be customarily kept in a county that
14 has in effect an ordinance under s. 77.70 or in a special district that has in effect a
15 resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local
16 sales tax in another state on a purchase of the same property that tax shall be
17 credited against the tax under this subsection.

18 **SECTION 2470.** 77.72 (title) of the statutes is repealed.

19 **SECTION 2471.** 77.72 (1) of the statutes is renumbered 77.72 and amended to
20 read:

21 **77.72 General rule for property.** For the purposes of this subchapter, all
22 retail sales of tangible personal property ~~are completed at the time when, and the~~
23 ~~place where, the seller or the seller's agent transfers possession to the buyer or the~~
24 ~~buyer's agent. In this subsection, a common carrier or the U.S. postal service is the~~
25 ~~agent of the seller, regardless of any f.o.b. point and regardless of the method by~~

SENATE BILL 40**SECTION 2471**

1 ~~which freight or postage is paid. Rentals and leases of property, except property~~
2 ~~under sub. (2), have a situs at the location of that property, and property and items~~
3 ~~specified under s. 77.52 (1) (b) to (d), and taxable services occur as provided in s.~~
4 ~~77.522.~~

5 **SECTION 2472.** 77.72 (2) and (3) of the statutes are repealed.

6 **SECTION 2473.** 77.73 (2) of the statutes is amended to read:

7 77.73 (2) Counties and special districts do not have jurisdiction to impose the
8 tax under s. 77.71 (2) in regard to specified digital goods, additional digital goods, and
9 tangible personal property, except snowmobiles, trailers, semitrailers, and
10 all-terrain vehicles, purchased in a sale that is consummated in another county or
11 special district in this state that does not have in effect an ordinance or resolution
12 imposing the taxes under this subchapter and later brought by the buyer into the
13 county or special district that has imposed a tax under s. 77.71 (2).

14 **SECTION 2474.** 77.73 (3) of the statutes is created to read:

15 77.73 (3) Counties and special districts have jurisdiction to impose the taxes
16 under this subchapter on retailers who file an application under s. 77.52 (7) or who
17 register under s. 77.53 (9) or (9m), regardless of whether such retailers are engaged
18 in business in the county or special district, as provided in s. 77.51 (13g). A retailer
19 who files an application under s. 77.52 (7) or who registers under s. 77.53 (9) or (9m)
20 shall collect, report, and remit to the department the taxes imposed under this
21 subchapter for all counties and special districts that have an ordinance or resolution
22 imposing the taxes under this subchapter.

23 **SECTION 2475.** 77.75 of the statutes is amended to read:

24 **77.75 Reports.** Every person subject to county or special district sales and use
25 taxes shall, for each reporting period, record that person's sales made in the county

SENATE BILL 40**SECTION 2475**

1 or special district that has imposed those taxes separately from sales made
2 elsewhere in this state and file a report ~~of the measure of the county or special district~~
3 ~~sales and use taxes and the tax due thereon separately as prescribed by the~~
4 department of revenue.

5 **SECTION 2476.** 77.77 (1) of the statutes is renumbered 77.77 (1) (a) and
6 amended to read:

7 77.77 (1) (a) ~~The gross receipts sales price from services subject to the tax under~~
8 ~~s. 77.52 (2) are not~~ or the lease, rental, or license of tangible personal property, and
9 property and items specified under s. 77.52 (1) (b) to (d), is subject to the taxes under
10 this subchapter, and the incremental amount of tax caused by a rate increase
11 applicable to those services, leases, rentals, or licenses ~~is not due, if those services~~
12 ~~are billed to the customer and paid for before~~ beginning with the first billing period
13 starting on or after the effective date of the county ordinance, special district
14 resolution, or rate increase, regardless of whether the service is furnished or the
15 property or item is leased, rented, or licensed to the customer before or after that
16 date.

17 **SECTION 2477.** 77.77 (1) (b) of the statutes is created to read:

18 77.77 (1) (b) The sales price from services subject to the tax under s. 77.52 (2)
19 or the lease, rental, or license of tangible personal property, and property and items
20 specified under s. 77.52 (1) (b) to (d), is not subject to the taxes under this subchapter,
21 and a decrease in the tax rate imposed under this subchapter on those services first
22 applies, beginning with bills rendered on or after the effective date of the repeal or
23 sunset of a county ordinance or special district resolution imposing the tax or other
24 rate decrease, regardless of whether the service is furnished or the property is leased,
25 rented, or licensed to the customer before or after that date.

SENATE BILL 40**SECTION 2478**

1 **SECTION 2478.** 77.77 (2) of the statutes is repealed.

2 **SECTION 2479.** 77.785 (1) of the statutes is amended to read:

3 77.785 (1) All retailers shall collect and report the taxes under this subchapter
4 on the ~~gross receipts~~ sales price from leases and rentals of property, specified digital
5 goods, and additional digital goods under s. 77.71 (4).

6 **SECTION 2480.** 77.785 (2) of the statutes is amended to read:

7 77.785 (2) Prior to registration or titling, a retailer of a boat, ~~all-terrain vehicle,~~
8 ~~trailer and semi-trailer dealers and licensed aircraft, motor vehicle, or mobile home~~
9 ~~and snowmobile dealers~~ shall collect the taxes under this subchapter on sales of
10 items under s. 77.71 (4). The ~~dealer~~ retailer shall remit those taxes to the
11 department of revenue along with payments of the taxes under subch. III.

12 **SECTION 2481.** 77.89 (2) (b) of the statutes is amended to read:

13 77.89 (2) (b) The municipal treasurer shall pay all amounts received under s.
14 77.84 (2) (b) and (bm) to the county treasurer, as provided under ss. 74.25 and 74.30.
15 The county treasurer shall, by June 30 of each year, pay all amounts received under
16 this paragraph to the department. All amounts received by the department shall be
17 credited to the conservation fund and shall be reserved for land acquisition ~~and,~~
18 resource management activities, and grants under s. 77.895.

19 **SECTION 2482.** 77.895 of the statutes is created to read:

20 **77.895 Grants for land acquisitions for outdoor activities. (1)**

21 DEFINITIONS. In this section:

22 (a) “Board” means the managed forest land board.

23 (b) “Land” means land in fee simple, conservation easements, and other
24 easements in land.

25 (c) “Local governmental unit” means a city, village, town, or county.

SENATE BILL 40**SECTION 2482**

1 (d) “Nonprofit conservation organization” has the meaning given in s. 23.0955

2 (1).

3 **(2) PROGRAM.** The department shall establish a program to award grants to
4 nonprofit conservation organizations, to local governmental units, and to itself to
5 acquire land to be used for hunting, fishing, hiking, sightseeing, and cross-country
6 skiing. The board shall administer the program and award the grants under the
7 program.

8 **(3) REQUIREMENTS.** The department, in consultation with the board, shall
9 promulgate rules establishing requirements for awarding grants under this section.
10 The rules promulgated under this subsection shall include all of the following:

11 (a) A requirement that the board give higher priority to counties over other
12 grant applicants in awarding grants under this section.

13 (b) A requirement that, in awarding grants to counties under this section, the
14 board give higher priority to counties that have higher numbers of acres that are
15 designated as closed under s. 77.83.

16 (c) A requirement that, in awarding grants to towns under this section, the
17 board give higher priority to towns that have higher numbers of acres that are
18 designated as closed under s. 77.83.

19 (d) A requirement that no grant may be awarded under this section without it
20 being approved by the board of each county in which the land to be acquired is
21 located.

22 (e) Requirements concerning the use of sound forestry practices on land
23 acquired under this section.

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1 **(4) USE OF LAND.** Land acquired under this section may be used for purposes
2 in addition to those specified in sub. (2) if the additional uses are compatible with the
3 purposes specified in sub. (2).

4 **SECTION 2483.** 77.92 (4) of the statutes is amended to read:

5 77.92 **(4)** “Net business income,” with respect to a partnership, means taxable
6 income as calculated under section 703 of the Internal Revenue Code; plus the items
7 of income and gain under section 702 of the Internal Revenue Code, including taxable
8 state and municipal bond interest and excluding nontaxable interest income or
9 dividend income from federal government obligations; minus the items of loss and
10 deduction under section 702 of the Internal Revenue Code, except items that are not
11 deductible under s. 71.21; plus guaranteed payments to partners under section 707
12 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),
13 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (3g), (3s), (3n), ~~(3p)~~, (3t), (3w), ~~(5b)~~, (5e),
14 (5f), (5g), ~~and (5h)~~, (5i), and (5j); and plus or minus, as appropriate, transitional
15 adjustments, depreciation differences, and basis differences under s. 71.05 (13), (15),
16 (16), (17), and (19); but excluding income, gain, loss, and deductions from farming.
17 “Net business income,” with respect to a natural person, estate, or trust, means profit
18 from a trade or business for federal income tax purposes and includes net income
19 derived as an employee as defined in section 3121 (d) (3) of the Internal Revenue
20 Code.

21 **SECTION 2484.** 77.98 of the statutes is amended to read:

22 **77.98 Imposition.** A local exposition district under subch. II of ch. 229 may
23 impose a tax on the retail sale, except sales for resale, within the district’s
24 jurisdiction under s. 229.43 of ~~products that are subject to a tax under s. 77.54 (20)~~
25 ~~(c) 1. to 3. and not~~ candy, as defined in s. 77.51 (1fm), prepared food, as defined in s.

SENATE BILL 40**SECTION 2484**

1 77.51 (10m), and soft drinks, as defined in s. 77.51 (17w), unless exempt from the
2 sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9), (9a) or (20) (e) 5., (20n) (b) and (c),
3 and (20r).

4 **SECTION 2485.** 77.981 of the statutes is amended to read:

5 **77.981 Rate.** The tax under s. 77.98 is imposed on the sale of taxable products
6 at the rate of 0.25% of the ~~gross receipts~~ sales price, except that the district, by a vote
7 of a majority of the authorized members of its board of directors, may impose the tax
8 at the rate of 0.5% of the ~~gross receipts~~ sales price. A majority of the authorized
9 members of the district's board may vote that, if the balance in a special debt service
10 reserve fund of the district is less than the requirement under s. 229.50 (5), the tax
11 rate under this subchapter is 0.5%. The 0.5% rate shall be effective on the next
12 January 1, April 1, July 1 or October 1, and this tax is irrevocable if any bonds issued
13 by the district and secured by the special debt service reserve fund are outstanding.

14 **SECTION 2486.** 77.982 (2) of the statutes is amended to read:

15 77.982 (2) Sections 77.51 (4) (a), (b) 1., 2. and 4., (c) 1. to 3. and (d) (12m), (14)
16 (a) to (f), (j) and (k) and, (14g), (15a), and (15b), 77.52 (3), (6), (4), (13), (14), (18), and
17 (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5),
18 (8), (9), and (12) to (14) (15), and 77.62, as they apply to the taxes under subch. III,
19 apply to the tax under this subchapter. ~~Sections 77.72 (1) and Section 77.73, as they~~
20 ~~apply it applies~~ to the taxes under subch. V, apply applies to the tax under this
21 subchapter.

22 **SECTION 2487.** 77.99 of the statutes is amended to read:

23 **77.99 Imposition.** A local exposition district under subch. II of ch. 229 may
24 impose a tax at the rate of 3% of the ~~gross receipts~~ sales price on the rental, but not
25 for rental and not for rental as a service or repair replacement vehicle, within the

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1 district's jurisdiction under s. 229.43, of Type 1 automobiles, as defined in s. 340.01
2 (4) (a), by establishments primarily engaged in short-term rental of passenger cars
3 without drivers, for a period of 30 days or less, unless the sale is exempt from the sales
4 tax under s. 77.54 (1), (4), (7) (a), (7m), (9) or (9a). If the state makes a payment under
5 s. 229.50 (7) to a district's special debt service reserve fund, a majority of the district's
6 authorized board of directors may vote to increase the tax rate under this subchapter
7 to 4%.

8 **SECTION 2488.** 77.991 (2) of the statutes is amended to read:

9 77.991 (2) Sections 77.51 (4) ~~(a), (b) 1., 2. and 4., (c) 1. to 3. and (d) and (12m),~~
10 (14) ~~(a) to (f), (j) and (k), (14g), (15a), and (15b),~~ 77.52 ~~(3), (4), (6), (13), (14) and, (18),~~
11 ~~and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m),~~
12 (5), (8), (9), and (12) to (14) ~~(15),~~ and 77.62, as they apply to the taxes under subch.
13 III, apply to the tax under this subchapter. ~~Sections 77.72 (1) and (2) (a) and Section~~
14 ~~77.73, as they apply it applies~~ to the taxes under subch. V, ~~apply applies~~ to the tax
15 under this subchapter. The renter shall collect the tax under this subchapter from
16 the person to whom the passenger car is rented.

17 **SECTION 2489.** 77.994 (1) (intro.) of the statutes is amended to read:

18 77.994 (1) (intro.) Except as provided in sub. (2), a municipality or a county all
19 of which is included in a premier resort area under s. 66.1113 may, by ordinance,
20 impose a tax at a rate of 0.5% of the ~~gross receipts~~ sales price from the sale, license,
21 lease, or rental in the municipality or county of goods or services that are taxable
22 under subch. III made by businesses that are classified in the standard industrial
23 classification manual, 1987 edition, published by the U.S. office of management and
24 budget, under the following industry numbers:

25 **SECTION 2490.** 77.9941 (4) of the statutes is amended to read:

SENATE BILL 40**SECTION 2490**

1 77.9941 **(4)** Sections 77.72 ~~(1), (2) (a) and (3) (a)~~, 77.73, 77.74, 77.75, 77.76 (1),
2 (2), and (4), 77.77 (1) ~~and (2)~~, 77.785 (1), and 77.79, as they apply to the taxes under
3 subch. V, apply to the tax under this subchapter.

4 **SECTION 2491.** 77.995 (2) of the statutes is repealed and recreated to read:

5 77.995 **(2)** There is imposed a fee at the rate of 5% of the sales price on the
6 rental, but not for rere rental and not for rental as a service or repair replacement
7 vehicle of Type 1 automobiles, as defined in s. 340.01 (4) (a); of mobile homes, as
8 defined in s. 340.01 (29); of motor homes, as defined in s. 340.01 (33m); and of
9 camping trailers, as defined in s. 340.01 (6m) by establishments primarily engaged
10 in short-term rental of vehicles without drivers, for a period of 30 days or less, unless
11 the sale is exempt from the sales tax under s. 77.54 (1), (4), (7) (a), (7m) or (9a). There
12 is also imposed a fee at the rate of 5% of the sales price on the rental of limousines.

13 **SECTION 2492.** 77.9951 (2) of the statutes is amended to read:

14 77.9951 **(2)** Sections 77.51 (4) (a), ~~(b) 1., 2. and 4., (c) 1. to 3. and (d) and (12m)~~,
15 (14) (a) to (f), (j) and (k), (14g), (15a), and (15b), 77.52 ~~(3)~~, (4), (6), (13), (14) and, (18),
16 and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m),
17 (5), (8), (9), and (12) to ~~(14)~~ (15), and 77.62, as they apply to the taxes under subch.
18 III, apply to the fee under this subchapter. The renter shall collect the fee under this
19 subchapter from the person to whom the vehicle is rented.

20 **SECTION 2493.** 77.996 (6) of the statutes is amended to read:

21 77.996 **(6)** “Gross receipts” ~~has the meaning given in s. 77.51 (4) (a), (b) 1. and~~
22 ~~5., (c) 1. to 4., and (d)~~ means the sales price, as defined in s. 77.51 (15b), of tangible
23 personal property and taxable services sold by a dry cleaning facility. “Gross
24 receipts” does not include the license fee imposed under s. 77.9961 (1m) that is passed
25 on to customers.

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1 **(3)** “Motor vehicle fuel” has the meaning given in s. 78.005 (13).

2 **(4)** “Related party” means a person whose relationship with the supplier is
3 described under section 267 (b) of the Internal Revenue Code.

4 **(5)** “Supplier” has the meaning given in s. 78.005 (14).

5 **(6)** “Terminal operator” has the meaning given in s. 78.005 (16).

6 **77.9981 Imposition. (1)** For the privilege of doing business in this state, there
7 is imposed an assessment on each supplier at the rate of 2.5 percent of the supplier’s
8 gross receipts in each calendar quarter that are derived from the first sale in this
9 state of motor vehicle fuel received by the supplier for sale in this state, for sale for
10 export to this state, or for export to this state.

11 **(2)** Any person, including a terminal operator, who is not a licensee under s.
12 78.09 and who either used any motor vehicle fuel in this state or has possession of
13 any motor vehicle fuel, other than that contained in a motor vehicle’s fuel tank, for
14 which the assessment under this subchapter has not been paid or for which no
15 supplier has incurred liability for paying the assessment, shall file a report, in the
16 manner described by the department, and pay the assessment based on the purchase
17 price of the motor vehicle fuel.

18 **77.9982 Administration. (1)** The department shall administer the
19 assessment under this subchapter and may take any action, conduct any proceeding,
20 and impose interest and penalties.

21 **(2)** The assessments imposed under this subchapter for each calendar quarter
22 are due and payable on the last day of the month next succeeding the calendar
23 quarter for which the assessments are imposed, as provided by the department by
24 rule.

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1 **(3)** For purposes of determining the amount of the assessment imposed under
2 this subchapter, income derived from the first sale in this state of biodiesel fuel or
3 of ethanol blended with gasoline to create gasoline consisting of at least 85 percent
4 ethanol is not included in the supplier's gross receipts. For purposes of determining
5 the amount of the assessment imposed under this subchapter, with regard to a
6 transfer of motor vehicle fuel from a supplier to a related party, the point of first sale
7 in this state is the date of such transfer, and the gross receipts are calculated on a
8 monthly basis using an index determined by rule by the department. For purposes
9 of this subchapter, there is only one point of first sale in this state with regard to the
10 sale of the same motor vehicle fuel.

11 **(4)** No supplier who is subject to the assessment imposed under this subchapter
12 shall take any action to increase or influence the selling price of motor vehicle fuel
13 in order to recover the amount of the assessment. A supplier who takes any action
14 to increase or influence the selling price of motor vehicle fuel to recover the amount
15 of the assessment is subject to a penalty equal to the amount of the gain the supplier
16 received from any increase in the selling price that is implemented in order to recover
17 the assessment amount or imprisonment of not more than 6 months, or both.

18 **(5)** At the secretary of revenue's request, the attorney general may represent
19 this state, or assist a district attorney, in prosecuting any case arising under this
20 subchapter.

21 **(6)** In addition to any other audits the department conducts to administer and
22 enforce this subchapter, the department may audit any supplier who is subject to the
23 assessment imposed under this subchapter to determine whether the supplier has
24 taken any action to increase or influence the selling price of motor vehicle fuel in
25 order to recover the amount of the assessment. Annually, the department shall

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1 submit a report to the governor and the legislature, as provided under s. 13.172 (2),
2 that contains information on all audits conducted under this subsection in the
3 previous year.

4 **(7)** (a) Sections 71.74 (1) to (3), (5), (7), and (9) to (15), 71.75 (1), (2), (6), (7), and
5 (9), 71.77 (1) and (4) to (8), 71.78 (1) to (4) and (5) to (8), 71.80 (1) (a) and (b), (4) to
6 (6), (8) to (12), (14), (17), and (18), 71.82 (1) and (2) (a) and (b), 71.83 (1) (a) 1. and 2.
7 and (b) 1., 2., and 6., (2) (a) 1. to 3. and (b) 1. to 3., and (3), 71.87, 71.88, 71.89, 71.90,
8 71.91 (1) (a), (2), (3), and (4) to (7), 71.92, and 71.93 as they apply to the taxes under
9 ch. 71 apply to the assessment under this subchapter.

10 (b) Section 78.01 (2) (a) and (b), and (2m) (a) and (b), as it applies to the tax
11 imposed under s. 78.01 (1), applies to the assessment imposed under this subchapter.

12 **(8)** The department shall deposit all revenue collected under this subchapter
13 into the transportation fund.

14 **SECTION 2497.** 79.01 (1) of the statutes is amended to read:

15 79.01 **(1)** There is established an account in the general fund entitled the
16 “Expenditure Restraint Program Account.” There shall be appropriated to that
17 account \$25,000,000 in 1991, in 1992, and in 1993; \$42,000,000 in 1994; \$48,000,000
18 in each year beginning in 1995 and ending in 1999; \$57,000,000 in the year 2000 and
19 in the year 2001; \$57,570,000 in 2002; and \$58,145,700 in 2003 and in each year
20 thereafter, ending in 2008.

21 **SECTION 2498.** 79.01 (2d) of the statutes is amended to read:

22 79.01 **(2d)** There is established an account in the general fund entitled the
23 “~~County and Municipal Aid Account.~~”

24 **SECTION 2499.** 79.01 (5) of the statutes is created to read:

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1 79.01 (5) There is established an account in the general fund entitled the
2 “County Levy Restraint Payment Account.” There shall be appropriated to that
3 account \$15,000,000 in 2009 and in each year thereafter.

4 **SECTION 2500.** 79.01 (5b) of the statutes is created to read:

5 79.01 (5b) There is established an account in the general fund entitled the
6 “Municipal Levy Restraint Payment Account.” There shall be appropriated to that
7 account \$58,145,700 in 2009 and in each year thereafter.

8 **SECTION 2501.** 79.01 (6) of the statutes is created to read:

9 79.01 (6) There is established an account in the general fund entitled the
10 “County Levy Restraint Bonus Payment Account.” There shall be appropriated to
11 that account \$10,000,000 in 2009 and in each year thereafter.

12 **SECTION 2502.** 79.01 (6b) of the statutes is created to read:

13 79.01 (6b) There is established an account in the general fund entitled the
14 “Municipal Levy Restraint Bonus Payment Account.” There shall be appropriated
15 to that account \$5,000,000 in 2009 and in each year thereafter.

16 **SECTION 2503.** 79.015 of the statutes is amended to read:

17 **79.015 Statement of estimated payments.** The department of revenue, on
18 or before September 15 of each year, shall provide to each municipality and county
19 a statement of estimated payments to be made in the next calendar year to the
20 municipality or county under ss. 79.03, 79.035, 79.04, 79.05, 79.051, 79.052, 79.058,
21 and 79.06.

22 **SECTION 2504.** 79.02 (2) (b) of the statutes is amended to read:

23 79.02 (2) (b) Subject to ss. 59.605 (4) and 70.995 (14) (b), payments in July shall
24 equal 15% of the municipality’s or county’s estimated payments under ss. 79.03,

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1 79.035, 79.04, 79.058, and 79.06 and 100% of the municipality's or county's estimated
2 payments under ~~s. ss. 79.05, 79.051, and 79.052.~~

3 **SECTION 2505.** 79.035 (1) of the statutes is amended to read:

4 79.035 (1) In 2004 and subsequent years, each county and municipality shall
5 receive a payment ~~from the county and municipal aid account~~ in an amount
6 determined under sub. (2).

7 **SECTION 2506.** 79.043 (5) of the statutes is amended to read:

8 79.043 (5) Except as provided under s. 79.02 (3) (e), for the ~~distribution~~
9 distributions beginning in 2005 and subsequent years ending in 2007, each county
10 and municipality shall receive a payment under this section and s. 79.035 that is
11 equal to the amount of the payment determined for the county or municipality under
12 this section and s. 79.035 in 2004.

13 **SECTION 2507.** 79.043 (6) of the statutes is created to read:

14 79.043 (6) (a) Except as provided under s. 79.02 (3) (e), in 2008, the total
15 amount to be distributed to counties and municipalities under this section and s.
16 79.035 is the total amount distributed to counties and municipalities under this
17 section and s. 79.035 in 2007, plus \$15,000,000. For purposes of this paragraph, each
18 county and municipality shall receive an increased payment under this section and
19 s. 79.035 so that the payment to each county and municipality is proportionate to its
20 share of all payments under this section and s. 79.035 in 2007.

21 (b) Except as provided under s. 79.02 (3) (e), in 2009 and subsequent years, each
22 county and municipality shall receive a payment under this section and s. 79.035
23 that is equal to the amount of the payment determined for the county or municipality
24 under this section and s. 79.035 in 2008.

25 **SECTION 2508.** 79.05 (7) of the statutes is created to read:

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1 79.05 (7) Beginning in 2009, no municipality may receive a payment under this
2 section.

3 **SECTION 2509.** 79.051 of the statutes is created to read:

4 **79.051 Municipal levy restraint program. (1) DEFINITIONS.** In this section:

5 (a) “Debt service” includes debt service on debt issued or reissued to fund or
6 refund outstanding municipal obligations, interest on outstanding municipal
7 obligations, and related issuance costs and redemption premiums.

8 (b) “Inflation factor” means a percentage equal to the average annual
9 percentage change in the U.S. consumer price index for all urban consumers, U.S.
10 city average, as determined by the U.S. department of labor, for the 12 months
11 ending on June 30 of the year before the statement under s. 79.015.

12 (c) “Maximum allowable levy” means the municipal tax levy for the year before
13 the statement under s. 79.015, as adjusted under sub. (5), multiplied by the sum of
14 one plus 85 percent of the inflation factor and 85 percent of the valuation factor,
15 rounded to the nearest 0.01 percent.

16 (d) “Municipal tax levy” means the amounts reported as the total taxes levied
17 for each town, village, or city on the statement of taxes filed with the department of
18 revenue under s. 73.10, not including the incremental levy for municipal tax
19 incremental financing districts and the incremental levy for county environmental
20 tax financing districts.

21 (e) “Municipal tax rate” means the municipal tax levy divided by the taxable
22 value.

23 (f) “Taxable value” means the equalized assessed value of all property located
24 in the municipality, as determined under s. 70.57, excluding the value of any tax
25 increments under s. 66.1105.

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1 (g) “Valuation factor” means a percentage equal to 60 percent of the percentage
2 change in the municipality’s equalized value under s. 70.57 due to new construction
3 less improvements removed between the year before the statement under s. 79.015
4 and the previous year, but not less than zero nor greater than 2.

5 (2) ELIGIBILITY. A municipality is eligible to receive a payment under sub. (4)
6 if it fulfills all of the following requirements:

7 (a) The municipality’s municipal tax rate for the year before the statement
8 under s. 79.015 is greater than 5 mills.

9 (b) The municipality’s municipal tax levy for the year of the statement under
10 s. 79.015 is no greater than the municipality’s maximum allowable levy.

11 (3) CONSUMER PRICE INDEX. Annually, on August 1, the department of revenue
12 shall certify to the joint committee on finance the appropriate percentage change in
13 the consumer price index that is to be used to determine the inflation factor.

14 (4) PAYMENTS. (a) Beginning in 2009, each municipality that is eligible under
15 sub. (2) shall receive a payment calculated by the department of revenue as follows:

16 1. Subtract 5 mills from the municipality’s municipal tax rate.

17 2. Multiply the amount determined under subd. 1. by the municipality’s
18 taxable value.

19 3. Divide the amount determined under subd. 2. by the total of the amounts
20 under subd. 2. for all municipalities that are eligible for a payment under sub. (2).

21 4. Multiply the amount determined under subd. 3. by \$58,145,700.

22 (b) Each municipality that is eligible under sub. (2) shall receive an additional
23 payment calculated by the department of revenue as follows:

24 1. Subtract the municipal tax levy, as determined under par. (a) 1., from the
25 municipality’s maximum allowable levy.

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1 2. Divide the amount determined under subd. 1. by the total of the amounts
2 under subd. 1. for all municipalities that are eligible for a payment under sub. (2).

3 3. Multiply the amount determined under subd. 2. by \$10,000,000.

4 **(5) ADJUSTMENTS.** For purposes of determining eligibility for and the amount
5 of the payments under this section:

6 (a) If a municipality transfers to another governmental unit responsibility for
7 providing any service that the municipality provided in the preceding year, its
8 municipal tax levy for the preceding year shall be decreased to reflect the amount
9 that the municipality levied to provide that service, as determined by the department
10 of revenue.

11 (b) If a municipality increases the services that it provides by adding
12 responsibility for providing a service transferred to it from another governmental
13 unit in any year, its municipal tax levy for the preceding year shall be increased to
14 reflect the cost of that service, as determined by the department of revenue.

15 (c) If in any year a municipality's distribution under s. 79.043 (5) is less than
16 the municipality's distribution under s. 79.043 (5) in the previous year, the
17 municipality's maximum allowable levy shall be increased to reflect the reduction in
18 the distribution.

19 (d) The maximum allowable levy otherwise applicable under this section does
20 not apply to amounts levied by a municipality for the payment of any general
21 obligation debt service, including debt service on debt issued or reissued to fund or
22 refund outstanding obligations of the municipality, interest on outstanding
23 obligations of the political subdivision, or the payment of related issuance costs or
24 redemption premiums, secured by the full faith and credit of the municipality.

25 **SECTION 2510.** 79.052 of the statutes is created to read:

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1 **79.052 County levy restraint program. (1) DEFINITIONS.** In this section:

2 (a) “County tax levy” means the sum for all municipalities in the county of the
3 amounts reported as total county taxes levied on the statement of taxes filed with the
4 department of revenue under s. 73.10, not including any taxes levied under s.
5 115.817 (9).

6 (b) “County tax rate” means the county tax levy divided by the equalized
7 assessed value of all property located in the county, as determined under s. 70.57,
8 excluding the value of any tax increments under s. 66.1105.

9 (bm) “Debt service” includes debt service on debt issued or reissued to fund or
10 refund outstanding county obligations, interest on outstanding county obligations,
11 and related issuance costs and redemption premiums.

12 (c) “Inflation factor” means a percentage equal to the average annual
13 percentage change in the U.S. consumer price index for all urban consumers, U.S.
14 city average, as determined by the U.S. department of labor, for the 12 months
15 ending on June 30 of the year before the statement under s. 79.015.

16 (d) “Maximum allowable levy” means the county tax levy for the year before the
17 statement under s. 79.015, as adjusted under sub. (5), multiplied by the sum of one
18 plus 85 percent of the inflation factor and 85 percent of the valuation factor, rounded
19 to the nearest 0.01 percent.

20 (e) “Valuation factor” means a percentage equal to 60 percent of the percentage
21 change in the county’s equalized value under s. 70.57 due to new construction less
22 improvements removed between the year before the statement under s. 79.015 and
23 the previous year, but not less than zero nor greater than 2.

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1 **(2) ELIGIBILITY.** A county is eligible to receive a payment under sub. (4) if the
2 county's county tax levy for the year of the statement under s. 79.015 is no greater
3 than the county's maximum allowable levy.

4 **(3) CONSUMER PRICE INDEX.** Annually, on August 1, the department of revenue
5 shall certify to the joint committee on finance the appropriate percentage change in
6 the consumer price index that is to be used to determine the inflation factor.

7 **(4) PAYMENTS.** (a) Beginning in 2009, each county that is eligible under sub.
8 (2) shall receive a payment calculated by the department of revenue as follows:

9 1. Determine the county tax levy for the county.

10 2. Divide the amount determined under subd. 1. by the total of the amounts
11 under subd. 1. for all counties that are eligible for a payment under sub. (2).

12 3. Multiply the amount determined under subd. 2. by \$25,000,000.

13 (b) Beginning in 2009, each county that is eligible under sub. (2) shall receive
14 an additional payment calculated by the department of revenue as follows:

15 1. Subtract the county tax levy, as determined under par. (a) 1., from the
16 county's maximum allowable levy.

17 2. Divide the amount determined under subd. 1. by the total of the amounts
18 under subd. 1. for all counties that are eligible for a payment under sub. (2).

19 3. Multiply the amount determined under subd. 2. by \$10,000,000.

20 **(5) ADJUSTMENTS.** For purposes of determining eligibility for and the amount
21 of the payments under this section:

22 (a) If a county transfers to another governmental unit responsibility for
23 providing any service that the county provided in the preceding year, its county tax
24 levy for the preceding year shall be decreased to reflect the amount that the county
25 levied to provide that service, as determined by the department of revenue.

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1 (b) If a county increases the services that it provides by adding responsibility
2 for providing a service transferred to it from another governmental unit in any year,
3 its county tax levy for the preceding year shall be increased to reflect the cost of that
4 service, as determined by the department of revenue.

5 (c) If in any year a county's distribution under s. 79.043 (5) is less than the
6 county's distribution under s. 79.043 (5) in the previous year, the county's maximum
7 allowable levy shall be increased to reflect the reduction in the distribution.

8 (d) The maximum allowable levy otherwise applicable under this section does
9 not apply to amounts levied by a county for the payment of any general obligation
10 debt service, including debt service on debt issued or reissued to fund or refund
11 outstanding obligations of the county, interest on outstanding obligations of the
12 county, or the payment of related issuance costs or redemption premiums, secured
13 by the full faith and credit of the county.

14 **SECTION 2511.** 79.10 (1m) (b) of the statutes is amended to read:

15 79.10 (1m) (b) Counties and municipalities shall submit to the department of
16 revenue all data related to the lottery and gaming credit and the first dollar credit
17 as requested by the department of revenue.

18 **SECTION 2512.** 79.10 (2) of the statutes is renumbered 79.10 (2) (a) and
19 amended to read:

20 79.10 (2) (a) NOTICE TO MUNICIPALITIES. On or before December 1 of the year
21 preceding the distribution under sub. (7m) (a), the department of revenue shall
22 notify the clerk of each town, village and city of the estimated fair market value, as
23 determined under sub. (11) (c), to be used to calculate the lottery and gaming credit
24 under sub. (5) and of the amount to be distributed to it under sub. (7m) (a) on the
25 following 4th Monday in July. The anticipated receipt of such distribution shall not

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1 be taken into consideration in determining the tax rate of the municipality but shall
2 be applied as tax credits.

3 **SECTION 2513.** 79.10 (2) (b) of the statutes is created to read:

4 79.10 (2) (b) On or before December 1 of the year preceding the distribution
5 under sub. (7m) (c), the department of revenue shall notify the clerk of each town,
6 village, and city of the estimated fair market value, as determined under sub. (11)
7 (d), used to calculate the first dollar credit under sub. (5m) and of the amount to be
8 distributed to it under sub. (7m) (c) on the following 4th Monday in July. The
9 anticipated receipt of such distribution shall not be taken into consideration in
10 determining the tax rate of the municipality but shall be applied as tax credits.

11 **SECTION 2514.** 79.10 (4) of the statutes is amended to read:

12 79.10 (4) SCHOOL LEVY TAX CREDIT. The Except as provided in sub. (5m), the
13 amount appropriated under s. 20.835 (3) (b) shall be distributed to municipalities in
14 proportion to their share of the sum of average school tax levies for all municipalities.

15 **SECTION 2515.** 79.10 (5) of the statutes is amended to read:

16 79.10 (5) LOTTERY AND GAMING CREDIT. Each municipality shall receive, from the
17 appropriation under s. 20.835 (3) (q), an amount determined by multiplying the
18 school tax rate by the estimated fair market value, not exceeding the value
19 determined under sub. (11) (c), of every principal dwelling that is located in the
20 municipality and for which a claim for the credit under sub. (9) (bm) is made by the
21 owner of the principal dwelling.

22 **SECTION 2516.** 79.10 (5m) of the statutes is created to read:

23 79.10 (5m) FIRST DOLLAR CREDIT. Each municipality shall receive, from the
24 appropriation under s. 20.835 (3) (b), an amount determined by multiplying the
25 school tax rate by the estimated fair market value, not exceeding the value

SENATE BILL 40**SECTION 2516**

1 determined under sub. (11) (d), of every parcel of real property with improvements
2 that is located in the municipality.

3 **SECTION 2517.** 79.10 (6m) (a) of the statutes is amended to read:

4 79.10 **(6m)** (a) Except as provided in pars. (b) and (c), if the department of
5 administration or the department of revenue determines by October 1 of the year of
6 any distribution under subs. (4) ~~and, (5), and (5m)~~ that there was an overpayment
7 or underpayment made in that year's distribution by the department of
8 administration to municipalities, as determined under subs. (4) ~~and, (5), and (5m)~~,
9 because of an error by the department of administration, the department of revenue
10 or any municipality, the overpayment or underpayment shall be corrected as
11 provided in this paragraph. Any overpayment shall be corrected by reducing the
12 subsequent year's distribution, as determined under subs. (4) ~~and, (5), and (5m)~~, by
13 an amount equal to the amount of the overpayment. Any underpayment shall be
14 corrected by increasing the subsequent year's distribution, as determined under
15 subs. (4) ~~and, (5), and (5m)~~, by an amount equal to the amount of the underpayment.
16 Corrections shall be made in the distributions to all municipalities affected by the
17 error. Corrections shall be without interest.

18 **SECTION 2518.** 79.10 (7m) (c) of the statutes is created to read:

19 79.10 **(7m)** (c) *First dollar credit.* 1. The amount determined under sub. (5m)
20 shall be distributed from the appropriation under s. 20.835 (3) (b) by the department
21 of administration on the 4th Monday in July.

22 2. The town, village, or city treasurer shall settle for the amounts distributed
23 on the 4th Monday in July under this paragraph with the appropriate county
24 treasurer not later than August 15. Failure to settle timely under this subdivision
25 subjects the town, village, or city treasurer to the penalties under s. 74.31. On or

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1 before August 20, the county treasurer shall settle with each taxing jurisdiction,
2 including towns, villages, and cities except 1st class cities, in the county.

3 **SECTION 2519.** 79.10 (9) (bn) of the statutes is created to read:

4 79.10 (9) (bn) *First dollar credit.* Except as provided in ss. 79.175 and 79.18,
5 and subject to s. 79.15, the first dollar credit shall be allocated to every parcel of real
6 estate on which improvements are located in an amount determined by multiplying
7 the amount determined by the department of revenue under sub. (11) (d), by the
8 school tax rate.

9 **SECTION 2520.** 79.10 (9) (c) 3. of the statutes is created to read:

10 79.10 (9) (c) 3. The credit under par. (bn) shall reduce the property taxes
11 otherwise payable.

12 **SECTION 2521.** 79.10 (11) (d) of the statutes is created to read:

13 79.10 (11) (d) Before December 1, the department of revenue shall calculate,
14 to the nearest \$100, the estimated fair market value necessary to distribute the total
15 amount available for distribution under s. 79.15.

16 **SECTION 2522.** 79.14 of the statutes is amended to read:

17 **79.14 School levy tax credit.** The appropriation under s. 20.835 (3) (b), for
18 the payments under s. 79.10 (4), is \$319,305,000 in 1994, 1995, and 1996;
19 \$469,305,000 beginning in 1997 and ending in 2006; and \$593,050,000 in each year
20 thereafter.

21 **SECTION 2523.** 79.15 of the statutes is created to read:

22 **79.15 Improvements credit.** Beginning in 2009, the total amount paid each
23 year to municipalities from the appropriation account under s. 20.835 (3) (b) for the
24 payments under s. 79.10 (5m) is \$100,000,000.

25 **SECTION 2524.** 84.01 (13) of the statutes is amended to read:

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1 **84.01 (13) ENGINEERING SERVICES.** The department may engage such
2 engineering, consulting, surveying, or other specialized services as it deems
3 advisable. Any engagement of services under this subsection is exempt from ss.
4 16.70 to 16.75, 16.755 to 16.77, 16.78 to 16.82, and 16.85 to 16.87, and 16.875 to 16.89,
5 but ss. 16.528, 16.752, 16.753, and 16.754, 16.771, and 16.871 apply to such
6 engagement. Any engagement involving an expenditure of \$3,000 or more shall be
7 by formal contract approved by the governor. The department shall conduct a
8 uniform cost–benefit analysis, as defined in s. 16.70 (3g), of each proposed
9 engagement under this subsection that involves an estimated expenditure of more
10 than \$25,000 in accordance with standards prescribed by rule of the department. The
11 department shall review periodically, and before any renewal, the continued
12 appropriateness of contracting pursuant to each engagement under this subsection
13 that involves an estimated expenditure of more than \$25,000.

14 **SECTION 2525.** 84.014 (5m) (a) of the statutes is renumbered 84.014 (5m) (am).

15 **SECTION 2526.** 84.014 (5m) (ag) of the statutes is created to read:

16 **84.014 (5m) (ag)** In this subsection:

17 1. “I 94 north–south corridor” means the Mitchell interchange of I 43, I 94, and
18 I 894 in Milwaukee County, I 94 from the Illinois–Wisconsin state line in Kenosha
19 County proceeding northerly through the Mitchell interchange to Howard Avenue
20 in Milwaukee County, I 43/894 from the Mitchell interchange proceeding westerly
21 to 35th Street in Milwaukee County, the STH 119 Airport Spur Parkway between I
22 94 and General Mitchell International Airport in Milwaukee County, and all
23 freeways, roadways, shoulders, interchange ramps, frontage roads, and collector
24 road systems adjacent or related to these routes or interchanges.

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1 2. “Zoo interchange” means all freeways, including related interchange ramps,
2 roadway, and shoulders, and all adjacent frontage roads and collector road systems,
3 encompassing I 94, I 894, and USH 45 in Milwaukee County within the area
4 bordered by I 894/USH 45 at the Union Pacific railroad underpass near Burnham
5 Street in Milwaukee County to the south, I 94 at 76th Street to the east, I 94 at 116th
6 Street to the west, and USH 45 at Center Street to the north.

7 **SECTION 2527.** 84.014 (5m) (b) 1. of the statutes is repealed.

8 **SECTION 2528.** 84.014 (5m) (b) 2. and 3. of the statutes are created to read:

9 84.014 **(5m)** (b) 2. Reconstruction of the Zoo interchange.

10 3. Reconstruction of the I 94 north–south corridor.

11 **SECTION 2529.** 84.06 (2) (a) of the statutes is amended to read:

12 84.06 **(2)** (a) All such highway improvements shall be executed by contract
13 based on bids unless the department finds that another method as provided in sub.
14 (3) or (4) would be more feasible and advantageous. Bids shall be advertised for in
15 the manner determined by the department. Except as provided in s. 84.075, the
16 contract shall be awarded to the lowest competent and responsible bidder as
17 determined by the department. If the bid of the lowest competent bidder is
18 determined by the department to be in excess of the estimated reasonable value of
19 the work or not in the public interest, all bids may be rejected. The department shall,
20 so far as reasonable, follow uniform methods of advertising for bids and may
21 prescribe and require uniform forms of bids and contracts. Except as provided in par.
22 (b), the secretary shall enter into the contract on behalf of the state. Every such
23 contract is exempted from ss. 16.70 to 16.75, 16.755 to 16.77, 16.78 to 16.82, 16.87
24 and 16.89, but ss. 16.528, 16.752, 16.753, and 16.754, 16.771, and 16.871 apply to the
25 contract. Any such contract involving an expenditure of \$1,000 or more shall not be

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1 valid until approved by the governor. The secretary may require the attorney general
2 to examine any contract and any bond submitted in connection with the contract and
3 report on its sufficiency of form and execution. The bond required by s. 779.14 (1m)
4 is exempt from approval by the governor and shall be subject to approval by the
5 secretary. This subsection also applies to contracts with private contractors based
6 on bids for maintenance under s. 84.07.

7 **SECTION 2530.** 84.06 (3) of the statutes is amended to read:

8 **84.06 (3) CONTRACTS WITH COUNTY OR MUNICIPALITY; DIRECT LABOR; MATERIALS.** If
9 the department finds that it would be more feasible and advantageous to have the
10 improvement performed by the county in which the proposed improvement is located
11 and without bids, the department may, by arrangement with the county highway
12 committee of the county, enter into a contract satisfactory to the department to have
13 the work done by the county forces and equipment. In such contract the department
14 may authorize the county to purchase, deliver, and store materials and may fix the
15 rental rates of small tools and equipment. The contract shall be between the county
16 and the state and shall not be based on bids, and may be entered into on behalf of the
17 county by the county highway committee and on behalf of the state by the secretary.
18 Such contract is exempted from s. 779.14 and from all provisions of chs. 16 and 230,
19 except ss. 16.753 ~~and~~, 16.754, 16.771, and 16.871. If the total estimated
20 indebtedness to be incurred exceeds \$5,000 the contract shall not be valid until
21 approved by the governor. The provisions of this subsection relating to agreements
22 between a county and the state shall also authorize and apply to such arrangements
23 between a city, town, or a village and the state. In such cases, the governing body
24 of the city, town, or village shall enter into the agreement on behalf of the
25 municipality.

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1 **SECTION 2531.** 84.06 (4) of the statutes is amended to read:

2 **84.06 (4) SPECIAL CONTRACTS WITH RAILROADS AND UTILITIES.** If an improvement
3 undertaken by the department will cross or affect the property or facilities of a
4 railroad or public utility company, the department may, upon finding that it is
5 feasible and advantageous to the state, arrange to perform portions of the
6 improvement work affecting such facilities or property or perform work of altering,
7 rearranging, or relocating such facilities by contract with the railroad or public
8 utility. Such contract shall be between the railroad company or public utility and the
9 state and need not be based on bids. The contract may be entered into on behalf of
10 the state by the secretary. Every such contract is exempted from s. 779.14 and from
11 all provisions of chs. 16 and 230, except ss. 16.528, 16.752, 16.753, and 16.754,
12 16.771, and 16.871. No such contract in which the total estimated debt to be incurred
13 exceeds \$5,000 shall be valid until approved by the governor. As used in this
14 subsection, “public utility” means the same as in s. 196.01 (5), and includes a
15 telecommunications carrier as defined in s. 196.01 (8m), and “railroad” means the
16 same as in s. 195.02. “Property” as used in this subsection includes but is not limited
17 to tracks, trestles, signals, grade crossings, rights-of-way, stations, pole lines,
18 plants, substations, and other facilities. Nothing in this subsection shall be
19 construed to relieve any railroad or public utility from any financial obligation,
20 expense, duty, or responsibility otherwise provided by law relative to such property.

21 **SECTION 2532.** 84.09 (1) of the statutes is amended to read:

22 **84.09 (1)** The department may acquire by gift, devise, purchase or
23 condemnation any lands for establishing, laying out, widening, enlarging,
24 extending, constructing, reconstructing, improving and maintaining highways and
25 other transportation related facilities, or interests in lands in and about and along

SENATE BILL 40**SECTION 2532**

1 and leading to any or all of the same; and after establishment, layout and completion
2 of such improvements, the department may convey such lands thus acquired and not
3 necessary for such improvements, with reservations concerning the future use and
4 occupation of such lands so as to protect such public works and improvements and
5 their environs and to preserve the view, appearance, light, air and usefulness of such
6 public works. Whenever the department deems it necessary to acquire any such
7 lands or interests therein for any transportation related purpose, it shall so order and
8 in such order or on a map or plat show the old and new locations and the lands and
9 interests required, and shall file a copy of the order and map with the county clerk
10 and county highway committee of each county in which such lands or interests are
11 required or, in lieu of filing a copy of the order and map, may file or record a plat in
12 accordance with s. 84.095. For the purposes of this section the department may
13 acquire private or public lands or interests in such lands. When so provided in the
14 department's order, such land shall be acquired in fee simple. Unless it elects to
15 proceed under sub. (3), the department shall endeavor to obtain easements or title
16 in fee simple by conveyance of the lands or interests required at a price, including
17 any damages, deemed reasonable by the department. The instrument of conveyance
18 shall name the state as grantee and shall be recorded in the office of the register of
19 deeds. The purchase or acquisition of lands or interests therein under this section
20 is excepted and exempt from s. 20.914 (1). The department may purchase or accept
21 donations of remnants of tracts or parcels of land existing at the time or after it has
22 acquired portions of such tracts or parcels by purchase or condemnation for
23 transportation purposes where in the judgment of the department such action would
24 assist in making whole the landowner, a part of whose lands have been taken for

SENATE BILL 40**SECTION 2532**

1 transportation purposes and would serve to minimize the overall costs of such taking
2 by the public. This subsection does not apply to lands that are sold under s. 16.848.

3 **SECTION 2533.** 84.185 (1) (ce) of the statutes is amended to read:

4 84.185 (1) (ce) “Job” has the meaning specified in s. ~~560.60 (10)~~ 560.17 (1) (bm).

5 **SECTION 2534.** 84.185 (1) (cm) of the statutes is amended to read:

6 84.185 (1) (cm) “Political subdivision” ~~has the meaning specified in s. 560.60~~
7 ~~(13)~~ means a county, city, town, or village.

8 **SECTION 2535.** 84.28 (1) of the statutes is amended to read:

9 84.28 (1) Moneys from the appropriation under s. 20.370 (7) ~~(mc)~~ (mr) may be
10 expended for the renovation, marking and maintenance of a town or county highway
11 located within the boundaries of any state park, state forest or other property under
12 the jurisdiction of the department of natural resources. Moneys from the
13 appropriation under s. 20.370 (7) ~~(mc)~~ (mr) may be expended for the renovation,
14 marking and maintenance of a town or county highway located in the lower Lower
15 ~~Wisconsin state riverway~~ State Riverway as defined in s. 30.40 (15). Outside the
16 ~~lower~~ Lower ~~Wisconsin state riverway~~ State Riverway as defined in s. 30.40 (15), or
17 outside the boundaries of these parks, forests or property, moneys from the
18 appropriation under s. 20.370 (7) ~~(mc)~~ (mr) may be expended for the renovation,
19 marking and maintenance of roads which the department of natural resources
20 certifies are utilized by a substantial number of visitors to state parks, state forests
21 or other property under the jurisdiction of the department of natural resources. The
22 department of natural resources shall authorize expenditures under this subsection.
23 The department of natural resources shall rank projects eligible for assistance under
24 a priority system and funding may be restricted to those projects with highest
25 priority.

SENATE BILL 40**SECTION 2536**

1 **SECTION 2536.** 84.555 (1m) (a) of the statutes is amended to read:

2 84.555 **(1m)** (a) Notwithstanding sub. (1) and ss. 84.51 and 84.59, the proceeds
3 of general obligation bonds issued under s. 20.866 (2) (uum) are allocated for
4 expenditure obligations under s. 84.95 and s. 84.014 and the proceeds of general
5 obligation bonds issued under s. 20.866 (2) (uup) may be used to fund expenditure
6 obligations for the Marquette interchange reconstruction project under s. 84.014 and
7 for the reconstruction of the I 94 north–south corridor, as defined in s. 84.014 (5m)
8 (ag) 1.

9 **SECTION 2537.** 84.59 (2) (b) of the statutes is amended to read:

10 84.59 **(2)** (b) The department may, under s. 18.562, deposit in a separate and
11 distinct special fund outside the state treasury, in an account maintained by a
12 trustee, revenues derived under ss. 341.09 (2) (d), (2m) (a) 1., (4), and (7), 341.14 (2),
13 (2m), (6) (d), (6m) (a), (6r) (b) 2., (6w), and (8), 341.145 (3), 341.16 (1) (a) and (b), (2),
14 and (2m), 341.17 (8), 341.19 (1) (a), 341.25, 341.255 (1), (2) (a), (b), and (c), (4), and
15 (5), 341.26 (1), (2), (2m) (am) and (b), (3), (3m), (4), (5), and (7), 341.264 (1), 341.265
16 (1), 341.266 (2) (b) and (3), 341.268 (2) (b) and (3), 341.30 (3), 341.305 (3), 341.308 (3),
17 341.36 (1) and (1m), 341.51 (2), and 342.14, except s. 342.14 (1r), and from any
18 payments received with respect to agreements or ancillary arrangements entered
19 into under s. 18.55 (6) with respect to revenue obligations issued under this section.

20 The revenues deposited are the trustee’s revenues in accordance with the agreement
21 between this state and the trustee or in accordance with the resolution pledging the
22 revenues to the repayment of revenue obligations issued under this section. Revenue
23 obligations issued for the purposes specified in sub. (1) and for the repayment of
24 which revenues are deposited under this paragraph are special fund obligations, as
25 defined in s. 18.52 (7), issued for special fund programs, as defined in s. 18.52 (8).

SENATE BILL 40**SECTION 2538**

1 **SECTION 2538.** 84.59 (6) of the statutes is amended to read:

2 84.59 (6) The building commission may contract revenue obligations when it
3 reasonably appears to the building commission that all obligations incurred under
4 this section can be fully paid from moneys received or anticipated and pledged to be
5 received on a timely basis. Except as provided in this subsection, the principal
6 amount of revenue obligations issued under this section may not exceed
7 ~~\$2,324,377,900~~ \$2,708,341,000, excluding any obligations that have been defeased
8 under a cash optimization program administered by the building commission, to be
9 used for transportation facilities under s. 84.01 (28) and major highway projects for
10 the purposes under ss. 84.06 and 84.09. In addition to the foregoing limit on principal
11 amount, the building commission may contract revenue obligations under this
12 section as the building commission determines is desirable to refund outstanding
13 revenue obligations contracted under this section, to make payments under
14 agreements or ancillary arrangements entered into under s. 18.55 (6) with respect
15 to revenue obligations issued under this section, and to pay expenses associated with
16 revenue obligations contracted under this section.

17 **SECTION 2539.** 85.013 (2) (a) of the statutes is amended to read:

18 85.013 (2) (a) The secretary shall designate ~~employees of the department as~~
19 hearing examiners to preside over all hearings arising under ch. 344.

20 **SECTION 2540.** 85.015 of the statutes is amended to read:

21 **85.015 Transportation assistance contracts.** All contracts entered into
22 under this chapter to provide financial assistance in the areas of railroads, urban
23 mass transit, specialized transportation, and harbors are subject to ss. 16.528,
24 16.752, ~~and 16.753, 16.771, and 16.871~~ but are exempt from ss. 16.70 to 16.75, 16.755
25 to 16.77, 16.78 to 16.82, 16.85 to 16.87, and 16.875 to 16.89.

SENATE BILL 40**SECTION 2541**

1 **SECTION 2541.** 85.029 of the statutes is created to read:

2 **85.029 Safe routes to school program. (1)** In this section:

3 (a) “Local governmental unit” has the meaning given in s. 59.72 (1) (c).

4 (b) “Political subdivision” has the meaning given in s. 85.026 (1) (a).

5 (c) “State agency” has the meaning given in s. 20.001 (1).

6 (d) “Indian tribe” has the meaning given in s. 139.30 (5).

7 **(2)** The department may administer a safe routes to school program to award
8 grants of assistance as provided in subs. (3) and (4). The department may award to
9 the same recipient grants under both subs. (3) and (4).

10 **(3)** The department may award grants under this section to any political
11 subdivision or state agency for infrastructure–related projects, as described in P.L.
12 109–59, section 1404 (f) (1).

13 **(4)** The department may award grants under this section to any state agency,
14 county, local governmental unit, Indian tribe, or private nonprofit organization for
15 noninfrastructure–related activities, as described in P.L. 109–59, section 1404 (f) (2).

16 **(5)** If the department establishes a program under this section, the program
17 shall be consistent with P.L. 109–59, section 1404, and any regulation adopted under
18 P.L. 109–59, section 1404.

19 **(6)** The department shall award any grant under this section from the
20 appropriations under s. 20.395 (2) (qv) and (qx).

21 **SECTION 2542.** 85.037 of the statutes is amended to read:

22 **85.037 Certification of fees collected.** Annually, no later than October 1,
23 the secretary of transportation shall certify to the secretary of administration the
24 amount of fees collected under s. 342.14 (3m) during the previous fiscal year, for the

SENATE BILL 40**SECTION 2542**

1 purpose of determining the amounts to be transferred under s. 20.855 (4) ~~(f)~~ (rm)
2 during the current fiscal year.

3 **SECTION 2543.** 85.061 (3) (a) 1. of the statutes is amended to read:

4 85.061 **(3)** (a) 1. Capital costs related to Amtrak service extension routes or
5 other rail service routes between the cities of Milwaukee and Madison ~~and~~, between
6 the cities of Milwaukee and Green Bay, between the cities of Milwaukee and Chicago,
7 and between the cities of Madison and La Crosse. Any route between the cities of
8 Milwaukee and Green Bay funded under the program shall provide service to
9 population centers along the route in a manner that makes the route most
10 economically feasible.

11 **SECTION 2544.** 85.09 (4i) of the statutes is amended to read:

12 85.09 **(4i)** DISPOSAL OF RAIL PROPERTY. The department shall sell at public or
13 private sale rail property acquired under sub. (4) when the department determines
14 that the rail property is not necessary for a public purpose and, if real property, the
15 real property is not the subject of a petition under s. 560.9810 (2). Upon receipt of
16 the full purchase price, the department shall, by appropriate deed or other
17 instrument, transfer the rail property to the purchaser. The funds derived from sales
18 under this subsection shall be deposited in the transportation fund, and the expense
19 incurred by the department in connection with the sale shall be paid from the
20 appropriation under s. 20.395 (2) (bq). This subsection does not apply to real
21 property that is sold under s. 16.848.

22 **SECTION 2545.** 85.20 (4m) (a) 6. cm. of the statutes is amended to read:

23 85.20 **(4m)** (a) 6. cm. ~~For aid payable for calendar years 2004 and 2005, from~~
24 ~~the appropriation under s. 20.395 (1) (ht), the department shall pay \$56,811,800 to~~
25 ~~the eligible applicant that pays the local contribution required under par. (b) 1. for~~

SENATE BILL 40**SECTION 2545**

1 ~~an urban mass transit system that has annual operating expenses in excess of~~
2 ~~\$80,000,000.~~ From the appropriation under s. 20.395 (1) (ht), the department shall
3 pay \$57,948,000 for aid payable for calendar year 2006, and \$59,107,000 for aid
4 payable for calendar year 2007, \$60,289,100 for aid payable for calendar year 2008,
5 and \$61,494,900 for aid payable for calendar year 2009 and thereafter, to the eligible
6 applicant that pays the local contribution required under par. (b) 1. for an urban
7 mass transit system that has annual operating expenses in excess of \$80,000,000.
8 If the eligible applicant that receives aid under this subd. 6. cm. is served by more
9 than one urban mass transit system, the eligible applicant may allocate the aid
10 between the urban mass transit systems in any manner the eligible applicant
11 considers desirable.

12 **SECTION 2546.** 85.20 (4m) (a) 6. d. of the statutes is amended to read:

13 85.20 **(4m)** (a) 6. d. ~~For aid payable for calendar years 2004 and 2005, from the~~
14 ~~appropriation under s. 20.395 (1) (hu), the department shall pay \$15,166,900 to the~~
15 ~~eligible applicant that pays the local contribution required under par. (b) 1. for an~~
16 ~~urban mass transit system that has annual operating expenses in excess of~~
17 ~~\$20,000,000 but less than \$80,000,000.~~ From the appropriation under s. 20.395 (1)
18 (hu), the department shall pay \$15,470,200 for aid payable for calendar year 2006,
19 and \$15,779,600 for aid payable for calendar year 2007, \$16,095,200 for aid payable
20 for calendar year 2008, and \$16,417,100 for aid payable for calendar year 2009 and
21 thereafter, to the eligible applicant that pays the local contribution required under
22 par. (b) 1. for an urban mass transit system that has annual operating expenses in
23 excess of \$20,000,000 but less than \$80,000,000. If the eligible applicant that
24 receives aid under this subd. 6. d. is served by more than one urban mass transit

SENATE BILL 40**SECTION 2546**

1 system, the eligible applicant may allocate the aid between the urban mass transit
2 systems in any manner the eligible applicant considers desirable.

3 **SECTION 2547.** 85.20 (4m) (a) 7. b. of the statutes is amended to read:

4 85.20 **(4m)** (a) 7. b. For the purpose of making allocations under subd. 7. a., the
5 amounts for aids are ~~\$21,757,600 in calendar years 2004 and 2005~~, \$22,192,800 in
6 calendar year 2006, and \$22,636,700 in calendar year 2007, \$23,089,100 in calendar
7 year 2008, and \$23,551,200 in calendar year 2009 and thereafter. These amounts,
8 to the extent practicable, shall be used to determine the uniform percentage in the
9 particular calendar year.

10 **SECTION 2548.** 85.20 (4m) (a) 8. b. of the statutes is amended to read:

11 85.20 **(4m)** (a) 8. b. For the purpose of making allocations under subd. 8. a., the
12 amounts for aids are ~~\$4,925,100 in calendar years 2004 and 2005~~, \$5,023,600 in
13 calendar year 2006, and \$5,124,100 in calendar year 2007, \$5,225,600 in calendar
14 year 2008, and \$5,331,100 in calendar year 2009 and thereafter. These amounts, to
15 the extent practicable, shall be used to determine the uniform percentage in the
16 particular calendar year.

17 **SECTION 2549.** 85.24 (4) (b) of the statutes is amended to read:

18 85.24 **(4)** (b) Paragraph (a) does not prohibit the disclosure of the information
19 to the extent necessary to administer the ride-sharing program nor, if requested
20 under s. 49.22 (2m), does it prohibit disclosure of the name or address of a person or
21 of his or her employer to the department of workforce development children and
22 families or a county child support agency under s. 59.53 (5).

23 **SECTION 2550.** 85.24 (4) (c) of the statutes is amended to read:

24 85.24 **(4)** (c) Any person who willfully discloses or who, under false pretenses,
25 willfully requests or obtains information in violation of par. (a) may be required to

SENATE BILL 40**SECTION 2550**

1 forfeit not more than \$500 for each violation. This paragraph does not apply to
2 information disclosed, requested or obtained to the extent necessary to administer
3 the ride-sharing program or, if requested under s. 49.22 (2m), to the department of
4 workforce development children and families or a county child support agency under
5 s. 59.53 (5).

6 **SECTION 2551.** 86.195 (3) (b) 3. of the statutes is amended to read:

7 86.195 (3) (b) 3. Fifty percent of the ~~gross receipts~~ sales price, as defined in s.
8 77.51 (15b), of the business are from meal, food, the sale of food product and beverage
9 sales and food ingredients, as defined in s. 77.51 (3t), that are taxable under s. 77.54
10 (20) (c) subch. III of ch. 77; and

11 **SECTION 2552.** 86.30 (2) (a) 3. of the statutes is amended to read:

12 86.30 (2) (a) 3. For each mile of road or street under the jurisdiction of a
13 municipality as determined under s. 86.302, the mileage aid payment shall be ~~\$1,825~~
14 ~~in calendar years 2004 and 2005,~~ \$1,862 in calendar year 2006, and \$1,899 in
15 calendar year 2007, \$1,937 in calendar year 2008, and \$1,976 in calendar year 2009
16 and thereafter.

17 **SECTION 2553.** 86.30 (9) (b) of the statutes is amended to read:

18 86.30 (9) (b) For the purpose of calculating and distributing aids under sub. (2),
19 the amounts for aids to counties are ~~\$90,044,600 in calendar years 2004 and 2005,~~
20 \$91,845,500 in calendar year 2006, and \$93,682,400 in calendar year 2007,
21 \$95,556,000 in calendar year 2008, and \$97,467,100 in calendar year 2009 and
22 thereafter. These amounts, to the extent practicable, shall be used to determine the
23 statewide county average cost-sharing percentage in the particular calendar year.

24 **SECTION 2554.** 86.30 (9) (c) of the statutes is amended to read:

SENATE BILL 40**SECTION 2554**

1 86.30 (9) (c) For the purpose of calculating and distributing aids under sub. (2),
2 the amounts for aids to municipalities are ~~\$283,291,100 in calendar years 2004 and~~
3 ~~2005~~, \$288,956,900 in calendar year 2006, and \$294,736,000 in calendar year 2007,
4 \$300,630,700 in calendar year 2008, and \$306,643,300 in calendar year 2009 and
5 thereafter. These amounts, to the extent practicable, shall be used to determine the
6 statewide municipal average cost-sharing percentage in the particular calendar
7 year.

8 **SECTION 2555.** 86.31 (3g) of the statutes is amended to read:

9 86.31 (3g) COUNTY TRUNK HIGHWAY IMPROVEMENTS — DISCRETIONARY GRANTS.
10 From the appropriation under s. 20.395 (2) (ft), the department shall allocate
11 \$5,250,000 in each ~~fiscal year, beginning in fiscal year 2005–06~~ and in fiscal year
12 2006–07, \$5,355,000 in fiscal year 2007–08, and \$5,567,100 in fiscal year 2008–09
13 and each fiscal year thereafter, to fund county trunk highway improvements with
14 eligible costs totaling more than \$250,000. The funding of improvements under this
15 subsection is in addition to the allocation of funds for entitlements under sub. (3).

16 **SECTION 2556.** 86.31 (3m) of the statutes is amended to read:

17 86.31 (3m) TOWN ROAD IMPROVEMENTS — DISCRETIONARY GRANTS. From the
18 appropriation under s. 20.395 (2) (ft), the department shall allocate \$750,000 in each
19 ~~fiscal year, beginning in fiscal year 2005–06~~ and in fiscal year 2006–07, \$765,000 in
20 fiscal year 2007–08, and \$795,300 in fiscal year 2008–09 and each fiscal year
21 thereafter, to fund town road improvements with eligible costs totaling \$100,000 or
22 more. The funding of improvements under this subsection is in addition to the
23 allocation of funds for entitlements under sub. (3).

24 **SECTION 2557.** 86.31 (3r) of the statutes is amended to read:

SENATE BILL 40**SECTION 2557**

1 **86.31 (3r) MUNICIPAL STREET IMPROVEMENTS – DISCRETIONARY GRANTS.** From the
2 appropriation under s. 20.395 (2) (ft), the department shall allocate \$1,000,000 in
3 ~~each fiscal year, beginning in fiscal year 2005–06 and in fiscal year 2006–07,~~
4 \$1,020,000 in fiscal year 2007–08, and \$1,060,400 in fiscal year 2008–09 and each
5 fiscal year thereafter, to fund municipal street improvement projects having total
6 estimated costs of \$250,000 or more. The funding of improvements under this
7 subsection is in addition to the allocation of funds for entitlements under sub. (3).

8 **SECTION 2558.** 88.15 of the statutes is repealed.

9 **SECTION 2559.** 91.06 of the statutes is renumbered 91.06 (1) and amended to
10 read:

11 **91.06 (1) CERTIFICATION BY BOARD.** The Before the effective date of this
12 subsection [revisor inserts date], the board shall review farmland preservation
13 plans and exclusive agricultural use zoning ordinances submitted to it under ss.
14 91.61 and 91.78 and shall certify to the appropriate zoning authority whether the
15 plans and ordinances meet the standards of subchs. IV and V, respectively.
16 Certifications may be in whole or in part.

17 **SECTION 2560.** 91.06 (2) and (3) of the statutes are created to read:

18 **91.06 (2) CERTIFICATION OF PLANS.** (a) Beginning on the effective date of this
19 paragraph [revisor inserts date], all of the following apply:

20 1. The department may certify a county farmland preservation plan or revision
21 to a county farmland preservation plan based on the county certification under s.
22 91.61 (2) (d).

23 2. The department may do any of the following before it determines whether
24 to certify a county's farmland preservation plan or revision to a plan:

25 a. Review the plan or revision for compliance with ss. 91.51 to 91.59.

SENATE BILL 40**SECTION 2560**

1 b. Review and audit the application for certification under s. 91.61 (2).

2 (b) The department shall grant or deny an application for certification under
3 s. 91.61 (2) in writing no later than the 90th day following receipt of a complete
4 application, unless the county agrees to an extension.

5 (c) The department may grant an application for certification under s. 91.61 (2)
6 subject to conditions specified by the department in its certification decision. The
7 department may revoke the certification if the county does not make the required
8 changes by a deadline specified by the department.

9 (d) For the purposes of this chapter and subch. IX of ch. 71, a certified farmland
10 preservation plan does not include a revision to the plan adopted after the effective
11 date of this paragraph [revisor inserts date], unless the department certifies the
12 revision under par. (b).

13 **(3) CERTIFICATION OF ORDINANCES.** (a) Beginning on the effective date of this
14 paragraph [revisor inserts date], all of the following apply:

15 1. The department may certify an exclusive agricultural use zoning ordinance
16 or revision to an ordinance based on the certification under s. 91.78 (2) (d).

17 2. The department may do any of the following before it determines whether
18 to certify an exclusive agricultural use zoning ordinance or revision to an ordinance:

19 a. Review the ordinance or revision for compliance with ss. 91.75 and 91.77.

20 b. Review and audit the application for certification under s. 91.78 (2).

21 (b) The department shall grant or deny an application for certification under
22 s. 91.78 (2) in writing no later than the 90th day following receipt of a complete
23 application, unless the county, city, village, or town agrees to an extension.

24 (c) The department may grant an application for certification under s. 91.78 (2)
25 subject to conditions specified by the department in its certification decision. The

SENATE BILL 40**SECTION 2560**

1 department may revoke the certification if the county, city, village, or town does not
2 make the required changes by a deadline specified by the department.

3 **SECTION 2561.** 91.13 (8) (fm) of the statutes is amended to read:

4 91.13 **(8)** (fm) A statement in boldface uppercase type that contains the
5 following language: “UPON ~~RELINQUISHMENT—(WITHDRAWAL OR~~
6 ~~EXPIRATION) OF FROM THIS AGREEMENT, A PAYBACK OF CREDITS WITH~~
7 ~~INTEREST PAYMENT TO THE STATE MAY BE REQUIRED.”~~

8 **SECTION 2562.** 91.17 (1) of the statutes is amended to read:

9 91.17 **(1)** Land subject to a farmland preservation agreement may be sold
10 without a ~~lien being filed~~ payment being made under s. 91.19 ~~(7m)~~, subject to the
11 reservation of rights contained in the agreement. The seller shall notify the
12 department of any such transfer. ~~The purchaser shall be liable under any~~
13 ~~subsequent lien under s. 91.19 only for the amount of tax credits paid on that portion~~
14 ~~of the land purchased.~~

15 **SECTION 2563.** 91.17 (2) of the statutes is amended to read:

16 91.17 **(2)** When the owner of land subject to a farmland preservation agreement
17 dies or is certified by a physician to be totally and permanently disabled, the land
18 may be released from the program under this chapter and shall not be subject to a
19 ~~lien~~ payment under s. 91.19 ~~(8)~~ (7m).

20 **SECTION 2564.** 91.17 (3) of the statutes is repealed.

21 **SECTION 2565.** 91.19 (2) (intro.) of the statutes is amended to read:

22 91.19 **(2)** (intro.) ~~The~~ Subject to sub. (7m), the department may relinquish the
23 farmland preservation agreement or may release part of the land from a farmland
24 preservation agreement prior to the termination date contained in the instrument
25 as follows:

SENATE BILL 40**SECTION 2566**

1 **SECTION 2566.** 91.19 (3) of the statutes is amended to read:

2 **91.19 (3)** If the request for relinquishment of the farmland preservation
3 agreement or release of part of the land from the agreement is approved by the local
4 governing body having jurisdiction, a copy of the application, along with the
5 comments and recommendations of the reviewing agencies, shall be forwarded to the
6 ~~board~~ department. The ~~board~~ department shall, within 60 days, upon consideration
7 of the factors in sub. (2) (b) and (c) 2., approve or reject the application for
8 relinquishment or release. If the ~~board~~ department approves the application it shall
9 notify the local governing body having jurisdiction and the department of revenue,
10 ~~prepare an instrument under sub. (7) and record it with the register of deeds of the~~
11 ~~county in which the land is located.~~

12 **SECTION 2567.** 91.19 (5) of the statutes is amended to read:

13 **91.19 (5)** If the application for relinquishment of the agreement or release of
14 part of the land from the agreement is rejected by the local governing body having
15 jurisdiction, the application shall be returned to the applicant with a written
16 statement regarding the reasons for rejection. Within 30 days after receipt of the
17 rejected application, the applicant may appeal the rejection to the ~~board~~ department.
18 The ~~board~~ department shall, within 60 days after the appeal has been received, upon
19 consideration of the factors listed in sub. (2) (b) and (c) 2., approve or reject the
20 request for relinquishment or release. If the ~~board~~ department approves the
21 application it shall notify the local governing body having jurisdiction and the
22 department of revenue, ~~prepare an instrument under sub. (7) and record it with the~~
23 ~~register of deeds of the county in which the land is located.~~

24 **SECTION 2568.** 91.19 (6p) of the statutes is repealed.

25 **SECTION 2569.** 91.19 (6s) (a) 1. of the statutes is amended to read:

SENATE BILL 40**SECTION 2569**

1 91.19 (6s) (a) 1. An application for release of the land, made by either the owner
2 or the local unit of government, is approved by the local governing body having
3 jurisdiction and the ~~board~~ department under the procedures of subs. (2) to (5).

4 **SECTION 2570.** 91.19 (6s) (b) of the statutes is amended to read:

5 91.19 (6s) (b) If an owner of land subject to a farmland preservation agreement
6 opposes an application brought by a local unit of government for release of that land,
7 the owner may appeal the approval of that application by the local governing body
8 having jurisdiction to the ~~board~~ department according to the procedures in par. (c).

9 **SECTION 2571.** 91.19 (6s) (c) of the statutes is amended to read:

10 91.19 (6s) (c) If the application for release of any land from the agreement is
11 approved by the local governing body having jurisdiction, the application shall be
12 returned to the applicant, and a copy of the application to the owner, with a written
13 statement regarding the reasons for approval. Within 30 days after receipt of a copy
14 of the approved application, the owner may appeal the approval to the ~~board~~
15 department. The ~~board~~ department shall, within 60 days after the appeal has been
16 received, upon consideration of the factors listed in sub. (2) (b) and (c) 2., approve or
17 reject the request to disapprove the release. If the ~~board~~ department approves the
18 owner's appeal it shall notify the local governing body having jurisdiction.

19 **SECTION 2572.** 91.19 (6s) (d) of the statutes is amended to read:

20 91.19 (6s) (d) The ~~board~~ department may waive its approval authority under
21 this subsection for applications affecting less than 5 acres of land.

22 **SECTION 2573.** 91.19 (6t) of the statutes is amended to read:

23 91.19 (6t) The Subject to sub. (7m), the department shall relinquish from a
24 farmland preservation agreement land that has been subject to a farmland
25 preservation agreement for at least 10 years if the owner of the land so requests.

SENATE BILL 40**SECTION 2574**

1 **SECTION 2574.** 91.19 (7) of the statutes is repealed.

2 **SECTION 2575.** 91.19 (7m) of the statutes is created to read:

3 **91.19 (7m)** (a) Except as provided in par. (b), the department may not
4 relinquish a farmland preservation agreement under sub. (3), (5), or (6t) or release
5 land from a farmland preservation agreement under sub. (3) or (5) until the owner
6 pays to the department \$100 per acre of land that is no longer covered by the
7 farmland preservation agreement.

8 (b) The payment under par. (a) does not apply to land that is zoned exclusively
9 for agricultural use under an ordinance certified under subch. V.

10 **SECTION 2576.** 91.19 (8) to (13) of the statutes are repealed.

11 **SECTION 2577.** 91.21 (1) of the statutes is amended to read:

12 **91.21 (1)** If the owner or a successor in title of the land upon which a farmland
13 preservation agreement has been recorded under this chapter changes the use of the
14 land to a prohibited use without first acting under ss. 91.17 and 91.19 and the land
15 is not relinquished under s. 91.19 (6p) or (6t), the owner or successor in title may be
16 enjoined by the state, acting through the attorney general, or by the local governing
17 body having jurisdiction, acting through its attorney, and is subject to a civil penalty
18 for actual damages, but in no case to exceed double the value of the land as
19 established at the time the application for the agreement was approved.

20 **SECTION 2578.** 91.23 of the statutes is amended to read:

21 **91.23 Conversion.** An owner under a farmland preservation agreement may
22 at any time apply for a transition area agreement, and an owner under a transition
23 area agreement may at any time apply for a farmland preservation agreement. If
24 such an application is approved, the prior agreement shall be relinquished without
25 ~~a lien being filed~~ payment being made under s. 91.19 (7m).

SENATE BILL 40**SECTION 2579**

1 **SECTION 2579.** Subchapter III of chapter 91 [precedes 91.31] of the statutes is
2 repealed.

3 **SECTION 2580.** 91.59 (title) of the statutes is amended to read:

4 **91.59 (title) Coordination; public comment.**

5 **SECTION 2581.** 91.59 (2m) of the statutes is created to read:

6 **91.59 (2m)** A county shall make a proposed agricultural preservation plan or
7 revision to a plan available to the public for at least 30 days before the public hearing
8 under s. 59.69 (3) (d) and shall accept comments from the public during that time.

9 **SECTION 2582.** 91.61 of the statutes is renumbered 91.61 (1) and amended to
10 read:

11 **91.61 (1)** ~~Upon~~ Before the effective date of this subsection [revisor inserts
12 date], upon completion of a county agricultural preservation plans plan described in
13 this subchapter, copies of the plan may be submitted to the board for review and
14 certification under s. 91.06.

15 **SECTION 2583.** 91.61 (2) of the statutes is created to read:

16 **91.61 (2)** Beginning on the effective date of this subsection [revisor inserts
17 date], to apply for certification under s. 91.06 for a county agricultural preservation
18 plan or a revision to the plan, a county shall submit all of the following to the
19 department:

20 (a) A copy of the plan or revision to the plan.

21 (b) A description of how the plan or revision to the plan complies with ss. 91.51
22 to 91.59.

23 (c) Other relevant information required by the department by rule.

24 (d) A statement signed by the county corporation counsel certifying that the
25 plan or revision to the plan complies with ss. 91.51 to 91.59.

SENATE BILL 40**SECTION 2584**

1 **SECTION 2584.** 91.75 (6) of the statutes is amended to read:

2 91.75 **(6)** For purposes of farm consolidation and if permitted by local
3 regulation, farm residences or structures which that existed prior to the adoption of
4 the ordinance may be separated from a larger farm parcel. Farm residences or
5 structures with up to 5 acres of land which that are separated from a larger farm
6 parcel under this section are not subject to the ~~lien under s. 91.19 (8) to (10), as~~
7 payment required in s. 91.77 (2) or 91.79.

8 **SECTION 2585.** 91.77 (2) of the statutes is amended to read:

9 91.77 **(2)** ~~Land which is rezoned~~ Except as otherwise provided in this
10 subsection, rezoning under this section shall ~~be subject to the lien provided under s.~~
11 ~~91.19 (8) to (10) for the amount of tax credits paid on the land rezoned~~ may not be
12 completed until the landowner makes a payment of \$100 per acre of land that is
13 rezoned to the county, city, village, or town that approves the petition. If the rezoning
14 occurs solely as a result of action initiated by a governmental unit, ~~any lien required~~
15 ~~under s. 91.19 (8) to (10) other than the county, city, village, or town that approves~~
16 the petition, the payment shall be paid made by the governmental unit initiating the
17 action. If the rezoning occurs solely as a result of action initiated by the county, city,
18 village, or town that approves the petition, that county, city, village, or town shall
19 make the payment to the department.

20 **SECTION 2586.** 91.78 of the statutes is renumbered 91.78 (1) and amended to
21 read:

22 91.78 **(1)** ~~Copies~~ Before the effective date of this subsection [revisor inserts
23 date], copies of exclusive agricultural zoning ordinances may be submitted to the
24 board for review and certification under s. 91.06.

25 **SECTION 2587.** 91.78 (2) of the statutes is created to read:

SENATE BILL 40**SECTION 2587**

1 91.78 (2) Beginning on the effective date of this subsection [revisor inserts
2 date], to apply for certification under s. 91.06 for an exclusive agricultural use zoning
3 ordinance or a revision to the ordinance, a county, city, village, or town shall submit
4 all of the following to the department:

5 (a) A copy of the ordinance or revision to the ordinance.

6 (b) A description of how the ordinance or revision to the ordinance complies
7 with ss. 91.75 and 91.77.

8 (c) Other relevant information required by the department by rule.

9 (d) A statement signed by the chief elected official, as defined in s. 229.821 (3),
10 of, or the attorney for, the county, city, village, or town certifying that the ordinance
11 or revision to the ordinance complies with ss. 91.75 and 91.77.

12 **SECTION 2588.** 91.79 of the statutes is amended to read:

13 **91.79 Conditional uses; lien payment.** ~~Any land zoned under this~~
14 ~~subchapter which is granted~~ A county, city, village, or town may not grant a special
15 exception or conditional use permit for a use which is not an agricultural use shall
16 be subject to the lien provided under s. 91.19 (8) to (10) for the amount of tax credits
17 paid on the land granted such a permit for land zoned under this subchapter until
18 the landowner pays to the county, city, village, or town \$100 per acre of land for which
19 the special exception or conditional use permit is granted.

20 **SECTION 2589.** 93.06 (1q) of the statutes is amended to read:

21 93.06 (1q) ~~MARKETING~~ AGRICULTURAL DEVELOPMENT SERVICES. Provide
22 marketing agricultural development services upon request and charge a fee for those
23 services, but the fee may not exceed the department's cost of providing those services.

24 **SECTION 2590.** 93.135 (1m) (a) of the statutes is amended to read:

SENATE BILL 40**SECTION 2590**

1 93.135 **(1m)** (a) If an individual who applies for the issuance or renewal of a
2 license, registration, registration certificate or certification specified in sub. (1) does
3 not have a social security number, the department shall require the applicant, as a
4 condition of issuing or renewing the license, registration, registration certificate or
5 certification, to submit a statement made or subscribed under oath or affirmation
6 that the applicant does not have a social security number. The statement shall be
7 in the form prescribed by the department of ~~workforce development~~ children and
8 families.

9 **SECTION 2591.** 93.135 (2) of the statutes is amended to read:

10 93.135 **(2)** The department of agriculture, trade and consumer protection may
11 not disclose any information received under sub. (1) to any person except to the
12 department of ~~workforce development~~ children and families in accordance with a
13 memorandum of understanding under s. 49.857.

14 **SECTION 2592.** 93.135 (3) of the statutes is amended to read:

15 93.135 **(3)** The department shall deny an application for the issuance or
16 renewal of a license, registration, registration certificate or certification specified in
17 sub. (1) or shall suspend or restrict a license, registration, registration certificate or
18 certification specified in sub. (1) for failure to make court-ordered payments of child
19 or family support, maintenance, birth expenses, medical expenses or other expenses
20 related to the support of a child or a former spouse or failure to comply, after
21 appropriate notice, with a subpoena or warrant issued by the department of
22 ~~workforce development~~ children and families or a county child support agency under
23 s. 59.53 (5) and relating to paternity or child support proceedings, as required in a
24 memorandum of understanding under s. 49.857.

25 **SECTION 2593.** 93.43 of the statutes is created to read:

SENATE BILL 40**SECTION 2593**

1 **93.43 Anaerobic digester research and development.** The department
2 shall provide funding for research and development of anaerobic digesters at farms
3 participating in the discovery farms program of the Wisconsin Agricultural
4 Stewardship Initiative, Inc.

5 **SECTION 2594.** 93.46 (3) of the statutes is repealed.

6 **SECTION 2595.** 93.75 of the statutes is repealed.

7 **SECTION 2596.** 94.695 of the statutes is repealed.

8 **SECTION 2597.** 94.73 (2) (c) of the statutes is amended to read:

9 **94.73 (2) (c)** The department may issue an order under par. (a) on a summary
10 basis without prior notice or a prior hearing if the department determines that a
11 summary order is necessary to prevent imminent harm to public health or safety or
12 to the environment. If the recipient of a summary order requests a hearing on that
13 order, the department shall hold a hearing within 10 days after it receives the
14 request unless the recipient agrees to a later hearing date. The department is not
15 required to stay enforcement of a summary order issued under this paragraph
16 pending the outcome of the hearing. If the responsible person prevails after a
17 hearing, the department shall reimburse the responsible person from the
18 appropriation under s. 20.115 (7) (e) ~~or~~ (wm) for the corrective action costs incurred
19 as the result of the department's order.

20 **SECTION 2598.** 94.73 (7) (a) of the statutes is amended to read:

21 **94.73 (7) (a)** The department may make payments to a responsible person who
22 is eligible for reimbursement under sub. (3) if the department has authorized
23 reimbursement to that person under sub. (6). The department shall make payment
24 from the appropriation ~~accounts~~ account under s. 20.115 (7) (e) ~~and~~ (wm), subject to
25 the availability of funds in ~~those~~ that appropriation ~~accounts~~ account. If there are

SENATE BILL 40**SECTION 2598**

1 insufficient funds to pay the full amounts authorized under sub. (6) to all eligible
2 responsible persons, the department shall distribute payments in the order in which
3 applications were received, unless the department specifies, by rule, a different order
4 of payment.

5 **SECTION 2599.** 94.74 of the statutes is created to read:

6 **94.74 Prevention of pollution from agricultural chemicals. (1)** In this
7 section, “agricultural chemical” has the meaning given in s. 94.73 (1) (a).

8 **(2)** The department may provide financial assistance to a business to pay a
9 portion of the costs of capital improvements designed to prevent pollution from
10 agricultural chemicals. Under this section, the department may not provide funding
11 for capital improvements at any site in an amount that exceeds \$500,000 less any
12 amount received under s. 94.73 for the site. The department may not expend more
13 than \$250,000 per fiscal year under this section.

14 **SECTION 2600.** 94.77 of the statutes is renumbered 94.77 (1) and amended to
15 read:

16 94.77 **(1)** Any person who violates any provision of this chapter for which a
17 specific penalty is not prescribed ~~shall, or an order issued or rule promulgated under~~
18 such a provision, may be fined not to exceed \$200 more than \$1,000 for the first
19 offense and may be fined not less than \$500 nor more than \$5,000 or imprisoned in
20 the county jail not to exceed not more than 6 months or both for each subsequent
21 offense.

22 **SECTION 2601.** 94.77 (2) of the statutes is created to read:

23 94.77 **(2)** In lieu of the criminal penalty under sub. (1), a person who violates
24 any provision of this chapter for which a specific penalty is not prescribed, or an order
25 issued or rule promulgated under such a provision, may be required to forfeit not less

SENATE BILL 40**SECTION 2601**

1 than \$200 nor more than \$5,000 or, for an offense committed within 5 years of an
2 offense for which a penalty has been assessed under this section, may be required to
3 forfeit not less than \$400 nor more than \$10,000.

4 **SECTION 2602.** 94.77 (3) of the statutes is created to read:

5 94.77 (3) The department may seek an injunction restraining any person from
6 violating this chapter or a rule promulgated under this chapter.

7 **SECTION 2603.** 100.20 (1n) of the statutes is amended to read:

8 100.20 (1n) It is an unfair method of competition or an unfair trade practice
9 for any person to sell cigarettes to consumers in this state in violation of s. 139.345
10 or to sell tobacco products to consumers in this state in violation of s. 139.795.

11 **SECTION 2604.** 100.30 (2) (c) 1. b. of the statutes is amended to read:

12 100.30 (2) (c) 1. b. For every person holding a permit as a bonded direct
13 marketer as defined in s. 139.30 (1d), as a distributor as defined in s. 139.30 (3),
14 or as a multiple retailer as defined in s. 139.30 (8), with respect to that portion of the
15 person's business which involves the purchase and sale of cigarettes "cost to
16 wholesaler" means the cost charged by the cigarette manufacturer, disregarding any
17 manufacturer's discount or any discount under s. 139.32 (5), plus the amount of tax
18 imposed under s. 139.31. Except for a sale at wholesale between wholesalers, a
19 markup to cover a proportionate part of the cost of doing business shall be added to
20 the cost to wholesaler. In the absence of proof of a lesser cost, this markup shall be
21 3% of the cost to wholesaler as set forth in this subd. 1. b.

22 **SECTION 2605.** 100.30 (2) (L) (intro.) of the statutes is amended to read:

23 100.30 (2) (L) (intro.) "Wholesaler" includes every person holding a permit as
24 a bonded direct marketer as defined in s. 139.30 (1d) or as a multiple retailer under

SENATE BILL 40**SECTION 2605**

1 s. 139.30 (8) and every person engaged in the business of making sales at wholesale,
2 other than sales of motor vehicle fuel at wholesale, within this state except as follows:

3 **SECTION 2606.** 100.30 (2) (L) 2. of the statutes is amended to read:

4 100.30 (2) (L) 2. In the case of a person holding a permit as a bonded direct
5 marketer as defined in s. 139.30 (1d) or as a multiple retailer as defined in s. 139.30
6 (8), “wholesaler” applies to that portion of the person’s business involving the
7 purchase and sale of cigarettes and to any wholesale portion of that person’s
8 business.

9 **SECTION 2607.** 100.45 (1) (dm) of the statutes is amended to read:

10 100.45 (1) (dm) “State agency” means any office, department, agency,
11 institution of higher education, association, society or other body in state
12 government created or authorized to be created by the constitution or any law which
13 is entitled to expend moneys appropriated by law, including the legislature and the
14 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
15 Center Sports and Entertainment Corporation, the University of Wisconsin
16 Hospitals and Clinics Authority, the Wisconsin Health and Educational Facilities
17 Authority, the Wisconsin Aerospace Authority, ~~and~~ the Fox River Navigational
18 System Authority, and the Healthy Wisconsin Authority.

19 **SECTION 2608.** 101.01 (4) of the statutes is amended to read:

20 101.01 (4) “Employer” means any person, firm, corporation, state, county,
21 town, city, village, school district, sewer district, drainage district, family long-term
22 care district and other public or quasi-public corporations as well as any agent,
23 manager, representative or other person having control or custody of any
24 employment, place of employment or of any employee.

25 **SECTION 2609.** 101.02 (20) (e) 1. of the statutes is amended to read:

SENATE BILL 40**SECTION 2609**

1 101.02 (20) (e) 1. If an applicant who is an individual does not have a social
2 security number, the applicant, as a condition of applying for or applying to renew
3 a license shall submit a statement made or subscribed under oath or affirmation to
4 the department of commerce that the applicant does not have a social security
5 number. The form of the statement shall be prescribed by the department of
6 ~~workforce development~~ children and families.

7 **SECTION 2610.** 101.02 (21) (b) of the statutes is amended to read:

8 101.02 (21) (b) As provided in the memorandum of understanding under s.
9 49.857 and except as provided in par. (e), the department of commerce may not issue
10 or renew a license unless the applicant provides the department of commerce with
11 his or her social security number. The department of commerce may not disclose the
12 social security number except that the department of commerce may disclose the
13 social security number of an applicant for a license under par. (a) or a renewal of a
14 license under par. (a) to the department of ~~workforce development~~ children and
15 families for the sole purpose of administering s. 49.22.

16 **SECTION 2611.** 101.02 (21) (c) of the statutes is amended to read:

17 101.02 (21) (c) As provided in the memorandum of understanding under s.
18 49.857, the department may not issue or renew a license if the applicant or licensee
19 is delinquent in making court-ordered payments of child or family support,
20 maintenance, birth expenses, medical expenses or other expenses related to the
21 support of a child or former spouse or if the applicant or licensee fails to comply, after
22 appropriate notice, with a subpoena or warrant issued by the department of
23 ~~workforce development~~ children and families or a county child support agency under
24 s. 59.53 (5) and relating to paternity or child support proceedings.

25 **SECTION 2612.** 101.02 (21) (d) of the statutes is amended to read:

SENATE BILL 40**SECTION 2612**

1 101.02 (21) (d) As provided in the memorandum of understanding under s.
2 49.857, the department shall restrict or suspend a license issued by the department
3 if the licensee is delinquent in making court-ordered payments of child or family
4 support, maintenance, birth expenses, medical expenses or other expenses related
5 to the support of a child or former spouse or if the licensee fails to comply, after
6 appropriate notice, with a subpoena or warrant issued by the department of
7 ~~workforce development~~ children and families or a county child support agency under
8 s. 59.53 (5) and relating to paternity or child support proceedings.

9 **SECTION 2613.** 101.02 (21) (e) 1. of the statutes is amended to read:

10 101.02 (21) (e) 1. If an applicant who is an individual does not have a social
11 security number, the applicant, as a condition of applying for or applying to renew
12 a license shall submit a statement made or subscribed under oath or affirmation to
13 the department of commerce that the applicant does not have a social security
14 number. The form of the statement shall be prescribed by the department of
15 ~~workforce development~~ children and families.

16 **SECTION 2614.** 101.09 (5) of the statutes is amended to read:

17 101.09 (5) PENALTIES. Any person who violates this section or any rule or order
18 adopted under this section shall forfeit not less than \$10 nor more than ~~\$1,000~~ \$5,000
19 for each violation. Each violation of this section or any rule or order under this
20 section constitutes a separate offense and each day of continued violation is a
21 separate offense.

22 **SECTION 2615.** 101.143 (1) (gs) of the statutes is amended to read:

23 101.143 (1) (gs) “Service provider” means a consultant, testing laboratory,
24 monitoring well installer, soil boring contractor, other contractor, lender or any other
25 person who provides a product or service for which a claim for reimbursement

SENATE BILL 40**SECTION 2615**

1 payment has been or will be filed under this section, or a subcontractor of such a
2 person.

3 **SECTION 2616.** 101.143 (2) (em) 1. of the statutes is amended to read:

4 101.143 (2) (em) 1. The department may promulgate rules that specify a fee
5 that must be paid by a service provider as a condition of submitting a bid to conduct
6 an activity under sub. (3) (c) for which a claim for reimbursement payment under this
7 section will be submitted. Any fees collected under the rules shall be deposited into
8 the petroleum inspection fund.

9 **SECTION 2617.** 101.143 (3) (c) (intro.) of the statutes is amended to read:

10 101.143 (3) (c) *Investigations, remedial action plans and remedial action*
11 *activities.* (intro.) Before submitting an application under par. (f), except as provided
12 under par. (g) and sub. (4s), an owner or operator or the person shall do all of the
13 following:

14 **SECTION 2618.** 101.143 (3) (cs) 1. of the statutes is amended to read:

15 101.143 (3) (cs) 1. The department of commerce shall review the remedial
16 action plan for a site that is classified as low or medium risk under s. 101.144 and
17 shall determine the least costly method of complying with par. (c) 3. and with
18 enforcement standards. The department shall notify the owner or operator of its
19 determination of the least costly method and shall notify the owner or operator that
20 reimbursement payment for remedial action under this section is limited to the
21 amount necessary to implement that method.

22 **SECTION 2619.** 101.143 (3) (cs) 2. of the statutes is amended to read:

23 101.143 (3) (cs) 2. The department of natural resources and the department of
24 commerce shall review the remedial action plan for a site that is classified as high
25 risk under s. 101.144 and shall jointly determine the least costly method of

SENATE BILL 40**SECTION 2619**

1 complying with par. (c) 3. and with enforcement standards. The departments shall
2 notify the owner or operator of their determination of the least costly method and
3 shall notify the owner or operator that reimbursement payment for remedial action
4 under this section is limited to the amount necessary to implement that method.

5 **SECTION 2620.** 101.143 (4) (a) 1. of the statutes is amended to read:

6 101.143 (4) (a) 1. If the department finds that the claimant meets all of the
7 requirements of this section and any rules promulgated under this section, the
8 department shall issue an award to reimburse a claimant pay for eligible costs
9 incurred because of a petroleum products discharge from a petroleum product
10 storage system or home oil tank system.

11 **SECTION 2621.** 101.143 (4) (a) 2. (intro.) of the statutes is amended to read:

12 101.143 (4) (a) 2. (intro.) The department may not issue an award under this
13 paragraph before all eligible costs have been incurred and written approval is
14 received under sub. (3) (c) 4., except as follows:

15 **SECTION 2622.** 101.143 (4) (a) 2. c. of the statutes is created to read:

16 101.143 (4) (a) 2. c. The department may issue an award before all eligible costs
17 have been incurred as provided under sub. (4s).

18 **SECTION 2623.** 101.143 (4) (cm) of the statutes is amended to read:

19 101.143 (4) (cm) *Usual and customary costs.* The department shall establish
20 a schedule of usual and customary costs for items under par. (b) that are commonly
21 associated with claims under this section. The department shall use that schedule
22 to determine the amount of eligible costs for an occurrence for which a competitive
23 bidding process is not used, except in circumstances under which higher costs must
24 be incurred to comply with sub. (3) (c) 3. and with enforcement standards. For an
25 occurrence for which a competitive bidding process is used, the department may not

SENATE BILL 40**SECTION 2623**

1 use the schedule. In the schedule, the department shall specify the maximum
2 number of reimbursable compensable hours for particular tasks and the maximum
3 reimbursable compensable hourly rates for those tasks. The department shall use
4 methods of data collection and analysis that enable the schedule to be revised to
5 reflect changes in actual costs.

6 **SECTION 2624.** 101.143 (4) (e) 1. b. of the statutes is amended to read:

7 101.143 (4) (e) 1. b. Eligible costs, under par. (b), incurred on or after December
8 22, 2001, by the owner or operator of a petroleum product storage system that is not
9 an underground petroleum product storage system if those costs are not
10 reimbursable payable under par. (dm) 1.

11 **SECTION 2625.** 101.143 (4) (e) 1. c. of the statutes is amended to read:

12 101.143 (4) (e) 1. c. Eligible costs, under par. (b), incurred on or after December
13 22, 2001, by the owner or operator of an underground petroleum product storage tank
14 system if those costs are not reimbursable payable under par. (d) 1.

15 **SECTION 2626.** 101.143 (4s) of the statutes is created to read:

16 101.143 (4s) DIRECT PAYMENT OF AWARDS. (a) *Application.* Notwithstanding the
17 requirement in sub. (3) (a) (intro.) that a claim be submitted to reimburse an owner
18 or operator or person owning a home oil tank system for costs that the owner or
19 operator or person incurs and notwithstanding the documentation requirements
20 under sub. (3) (f), the department may authorize an owner or operator or a person
21 owning a home oil tank system to submit a claim to the department for an award to
22 be paid by the department directly to consultants and contractors with whom the
23 department contracts to conduct an investigation to determine the extent of
24 environmental damage caused by a petroleum products discharge from a petroleum
25 product storage system or home oil tank system, prepare a remedial action plan that

SENATE BILL 40**SECTION 2626**

1 identifies specific remedial action activities proposed to be conducted, and conduct
2 remedial action activities at the site of the discharge from the petroleum product
3 storage system or home oil tank system.

4 (b) *Approval of application.* If the department determines that an owner or
5 operator or person owning a home oil tank system who submits a claim under par.
6 (a) is eligible under this section, the department may approve the claim; contract
7 with consultants and contractors to conduct the investigation, prepare the remedial
8 action plan, and conduct remedial action activities; and pay the award to the service
9 providers in amounts determined under sub. (4), subject to par. (c). If the department
10 approves a claim under this paragraph, the requirements in sub. (3) (a) 6. to 9. apply
11 to the consultants and contractors, rather than the claimant.

12 (c) *Exclusion from eligible costs.* Eligible costs for an award under par. (b) do
13 not include the costs specified in sub. (4) (b) 15.

14 **SECTION 2627.** 101.143 (9) (b) of the statutes is amended to read:

15 101.143 (9) (b) The department may inspect any document in the possession
16 of an owner or operator, person owning a home oil tank system or service provider
17 or any other person if the document is relevant to a claim for reimbursement
18 payment under this section.

19 **SECTION 2628.** 101.143 (9m) (e) of the statutes is amended to read:

20 101.143 (9m) (e) The department shall have all other powers necessary and
21 convenient to distribute the special fund revenues and to distribute the proceeds of
22 the revenue obligations in accordance with subch. II of ch. 18 and, if designated a
23 higher education bond, in accordance with subch. IV of ch. 18, and to make payments
24 under an agreement or ancillary arrangement entered into under s. 18.55 (6) with
25 respect to revenue obligations issued under this subsection.

SENATE BILL 40**SECTION 2629**

1 **SECTION 2629.** 101.143 (9m) (g) 2. of the statutes is amended to read:

2 101.143 **(9m)** (g) 2. Revenue obligations issued under this subsection may not
3 exceed \$436,000,000 in principal amount, excluding any obligations that have been
4 defeased under a cash optimization program administered by the building
5 commission. In addition to this limit on principal amount, the building commission
6 may contract revenue obligations under this subsection as the building commission
7 determines is desirable to fund or refund outstanding revenue obligations, to pay
8 issuance or administrative expenses, to make deposits to reserve funds, ~~or~~ to pay
9 accrued or capitalized interest, and to make payments under an agreement or
10 ancillary arrangement entered into under s. 18.55 (6) with respect to revenue
11 obligations issued under this subsection.

12 **SECTION 2630.** 101.143 (10) (a) of the statutes is amended to read:

13 101.143 **(10)** (a) Any owner or operator, person owning a home oil tank system
14 or service provider who fails to maintain a record as required by rules promulgated
15 under sub. (9) (a) may be required to forfeit not more than \$2,000 \$5,000. Each day
16 of continued violation constitutes a separate offense.

17 **SECTION 2631.** 101.143 (10) (b) of the statutes is amended to read:

18 101.143 **(10)** (b) Any owner or operator, person owning a home oil tank system
19 or service provider who intentionally destroys a document that is relevant to a claim
20 for reimbursement payment under this section is guilty of a Class G felony.

21 **SECTION 2632.** 101.143 (11) (e) of the statutes is amended to read:

22 101.143 **(11)** (e) The charges by service providers other than engineering
23 consultants for services for which reimbursement payment is provided under this
24 section, including excavating, hauling, laboratory testing and landfill disposal.

25 **SECTION 2633.** 101.1435 of the statutes is created to read:

SENATE BILL 40**SECTION 2633****1 101.1435 Removal and closure of underground petroleum storage**

2 tanks. (1) In this section, “underground petroleum product storage tank system”

3 has the meaning given in s. 101.143 (1) (i).

4 (2) The department may contract with a person registered or certified under

5 s. 101.09 (3) to empty, clean, remove, and dispose of an underground petroleum

6 product storage tank system that has not been properly closed and to backfill the

7 excavation if any of the following applies:

8 (a) The department is unable to identify the owner of, or other person

9 responsible for, the underground petroleum product storage tank system.

10 (b) Using the method that the department uses to determine inability to pay

11 under s. 101.143 (4) (ee), the department determines that the owner of the

12 underground petroleum product storage tank system is unable to pay to empty,

13 clean, remove, and dispose of the underground petroleum product storage tank

14 system.

15 (c) The department determines that the owner of the underground petroleum

16 product storage tank system is unwilling to pay to empty, clean, remove, and dispose

17 of the underground petroleum product storage tank system.

18 (3) The department shall pay the costs incurred under sub. (2) from the

19 appropriation under s. 20.143 (3) (v). The department may not pay more than

20 \$250,000 annually under this section.

21 (4) If the department incurs costs under sub. (2), the department shall record

22 a statement of lien with the register of deeds of the county in which the underground

23 petroleum product storage tank system was located. Upon recording the statement

24 of lien, the department has a lien on the property on which the underground

25 petroleum product storage tank system was located in the amount of the costs

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1 incurred. The property remains subject to the lien until that amount is paid in full
2 to the department. The department shall deposit payments received under this
3 subsection into the petroleum inspection fund.

4 **SECTION 2634.** 101.177 (1) (d) of the statutes is amended to read:

5 101.177 (1) (d) “State agency” means any office, department, agency,
6 institution of higher education, association, society, or other body in state
7 government created or authorized to be created by the constitution or any law , that
8 is entitled to expend moneys appropriated by law, including the legislature and the
9 courts, the Wisconsin Housing and Economic Development Authority, the Bradley
10 Center Sports and Entertainment Corporation, the University of Wisconsin
11 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, ~~and the~~
12 Wisconsin Health and Educational Facilities Authority, and the Healthy Wisconsin
13 Authority. but excluding the Health Insurance Risk-Sharing Plan Authority.

14 **SECTION 2635.** 101.654 (1m) (e) of the statutes is amended to read:

15 101.654 (1m) (e) ~~The continuing education approved by the department under~~
16 ~~par. (b) 1. shall include courses offered by private organizations with whom the~~
17 ~~department contracts under s. 101.657. The department may approve courses that~~
18 ~~are offered by other states.~~

19 **SECTION 2636.** 101.657 (title) of the statutes is amended to read:

20 **101.657 (title) Education contracts for builders and consumers.**

21 **SECTION 2637.** 101.657 (1) of the statutes is amended to read:

22 101.657 (1) The department ~~shall~~ may contract with a private organization to
23 provide education regarding construction standards and inspection requirements
24 under this subchapter and under rules promulgated under this subchapter to
25 builders of dwellings in this state.

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1 **SECTION 2638.** 101.657 (2) of the statutes is repealed.

2 **SECTION 2639.** 101.657 (3) of the statutes is repealed.

3 **SECTION 2640.** 101.657 (4) of the statutes is amended to read:

4 101.657 (4) ~~Each contract under sub. (1), (2), and (3) shall be a separate~~
5 ~~contract. The department is limited for these contracts to contracting only with~~
6 ~~organizations that are~~ may only contract with an organization under this section if
7 the organization is described in section 501 (c) (6) of the Internal Revenue Code and
8 are is exempt from federal income tax under section 501 (a) of the Internal Revenue
9 Code.

10 **SECTION 2641.** 101.657 (5) of the statutes is repealed.

11 **SECTION 2642.** 102.01 (2) (d) of the statutes is amended to read:

12 102.01 (2) (d) “Municipality” includes a county, city, town, village, school
13 district, sewer district, drainage district and family long-term care district and other
14 public or quasi-public corporations.

15 **SECTION 2643.** 102.04 (1) (a) of the statutes is amended to read:

16 102.04 (1) (a) The state, each county, city, town, village, school district, sewer
17 district, drainage district, family long-term care district and other public or
18 quasi-public corporations therein.

19 **SECTION 2644.** 102.27 (2) (a) of the statutes is amended to read:

20 102.27 (2) (a) A benefit under this chapter is assignable under s. 46.10 (14) (e),
21 49.345 (14) (e), 301.12 (14) (e), 767.225 (1) (L), 767.513 (3), or 767.75 (1) or (2m).

22 **SECTION 2645.** 102.29 (8r) of the statutes is amended to read:

23 102.29 (8r) No participant in a food stamp employment and training program
24 under s. 49.13 49.79 (9) who, under s. 49.13 (2) (d) 49.79 (9) (a) 5., is provided worker’s
25 compensation coverage by the department of health and family services or by a

SENATE BILL 40**SECTION 2645**

1 Wisconsin ~~works~~ Works agency, as defined in s. 49.001 (9), or other provider under
2 contract with the department of health and family services or a county department
3 under s. 46.215, 46.22, or 46.23 or tribal governing body to administer the food stamp
4 employment and training program and who makes a claim for compensation under
5 this chapter may make a claim or maintain an action in tort against the employer
6 who provided the employment and training from which the claim arose.

7 **SECTION 2646.** 102.81 (2) of the statutes is amended to read:

8 102.81 (2) The department may retain an insurance carrier or insurance
9 service organization to process, investigate and pay claims under this section and
10 may obtain excess or stop-loss reinsurance with an insurance carrier authorized to
11 do business in this state in an amount that the secretary determines is necessary for
12 the sound operation of the uninsured employers fund. In cases involving disputed
13 claims, the department may retain an attorney to represent the interests of the
14 uninsured employers fund and to make appearances on behalf of the uninsured
15 employers fund in proceedings under ss. 102.16 to 102.29. Section 20.930 and all
16 provisions of subch. IV of ch. 16, except ss. 16.753 and 16.771, do not apply to an
17 attorney hired under this subsection. The charges for the services retained under
18 this subsection shall be paid from the appropriation under s. 20.445 (1) (rp). The cost
19 of any reinsurance obtained under this subsection shall be paid from the
20 appropriation under s. 20.445 (1) (sm).

21 **SECTION 2647.** 103.001 (6) of the statutes is amended to read:

22 103.001 (6) “Employer” means any person, firm, corporation, state, county,
23 town, city, village, school district, sewer district, drainage district, family long-term
24 care district and other public or quasi-public corporations as well as any agent,

SENATE BILL 40**SECTION 2647**

1 manager, representative or other person having control or custody of any
2 employment, place of employment or of any employee.

3 **SECTION 2648.** 103.005 (17) of the statutes is repealed.

4 **SECTION 2649.** 103.005 (18) of the statutes is repealed.

5 **SECTION 2650.** 106.18 of the statutes is created to read:

6 **106.18 Youth programs in 1st class cities.** From the appropriation account
7 under s. 20.445 (1) (kb), the department shall implement and operate youth summer
8 jobs programs in 1st class cities.

9 **SECTION 2651.** 108.20 (2m) of the statutes is amended to read:

10 108.20 (2m) From the moneys ~~not~~ appropriated under s. 20.445 (1) ~~(ge), (gf),~~
11 ~~(gg), and (gi) which (gd) that~~ are received by the administrative account as interest
12 and penalties under this chapter, the department shall pay the benefits chargeable
13 to the administrative account under s. 108.07 (5) and the interest payable to
14 employers under s. 108.17 (3m), and may expend the remainder to pay interest due
15 on advances to the unemployment reserve fund from the federal unemployment
16 account under title XII of the social security act, 42 USC 1321 to 1324, ~~may to conduct~~
17 research relating to the condition of the unemployment reserve fund under s. 108.14
18 (6), to administer the unemployment insurance program and federal or state
19 unemployment insurance programs authorized by the governor under s. 16.54, to
20 renovate and modernize unemployment insurance information technology systems,
21 to assist the department of justice in the enforcement of this chapter, to make
22 payments to satisfy a federal audit exception concerning a payment from the fund
23 or any federal aid disallowance involving the unemployment insurance program, or
24 may to make payments to the fund if such action is necessary to obtain a lower
25 interest rate or deferral of interest payments on advances from the federal

SENATE BILL 40**SECTION 2651**

1 unemployment account under title XII of the social security act, except that any
2 interest earned pending disbursement of federal employment security grants under
3 s. 20.445 (1) (n) shall be credited to the general fund. ~~Any moneys reverting to the~~
4 ~~administrative account from the appropriations under s. 20.445 (1) (ge) and (gf) shall~~
5 ~~be utilized as provided in this subsection.~~

6 **SECTION 2652.** 110.09 of the statutes is created to read:

7 **110.09 Background investigations of certain persons. (1) (a)**
8 Notwithstanding ss. 111.321, 111.322, and 111.335, the department of
9 transportation, with the assistance of the department of justice, shall conduct a
10 background investigation of any person who has been selected to fill a position within
11 the division of the department of transportation responsible for issuing operator's
12 licenses and identification cards. This background investigation may include
13 requiring the person to be fingerprinted on 2 fingerprint cards each bearing a
14 complete set of the person's fingerprints, or by other technologies approved by law
15 enforcement agencies. The department of justice shall submit any such fingerprint
16 cards to the federal bureau of investigation for the purposes of verifying the identity
17 of the person fingerprinted and obtaining records of his or her criminal arrests and
18 convictions.

19 (b) Notwithstanding ss. 111.321, 111.322, and 111.335, at any interval
20 determined appropriate by the department, the department may conduct, in the
21 manner specified in par. (a), additional background investigations of any person for
22 whom an initial background investigation has been conducted under par. (a) and
23 background investigations of other persons employed by the department within the
24 division of the department responsible for issuing operator's licenses and
25 identification cards.

SENATE BILL 40**SECTION 2652**

1 (c) The department shall promulgate rules governing confidentiality of
2 information obtained under this subsection.

3 (2) Notwithstanding ss. 111.321, 111.322, and 111.335, the department shall
4 require, as a precondition to allowing access to any information system in which is
5 stored information maintained by the division of the department responsible for
6 issuing operator's licenses and identification cards, that any person to whom access
7 is granted submit to a background investigation as provided in this subsection.

8 Notwithstanding ss. 111.321, 111.322, and 111.335, the department shall require the
9 employer, including any state agency, of any person to whom the information will be
10 made available to conduct the background investigation in a manner prescribed by
11 the department. The department may require, as part of this background
12 investigation, that the person be fingerprinted in the manner described in sub. (1)

13 (a) and that these fingerprints be provided to the department of justice for
14 submission to the federal bureau of investigation for the purposes of verifying the
15 identity of the person fingerprinted and obtaining records of his or her criminal
16 arrests and convictions. Notwithstanding ss. 111.321, 111.322, and 111.335, the
17 department shall require that the employer certify the results of the background
18 investigation and, based upon these results, may deny or restrict access to any
19 information requested. In addition to the initial background investigation required
20 under this subsection, the department may require on a periodic basis subsequent
21 background investigations consistent with this subsection for persons with ongoing
22 access to information. Any cost associated with the requirements under this
23 subsection is the responsibility of the employer. For purposes of this subsection,
24 "employer" includes a self-employed person. The department shall promulgate

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1 rules governing background investigations, and confidentiality of information
2 obtained, under this subsection.

3 **SECTION 2653.** 110.20 (7) of the statutes is amended to read:

4 110.20 (7) VOLUNTARY INSPECTIONS. The inspection and maintenance program
5 shall require inspection of any nonexempt vehicle which a person presents for
6 inspection at an inspection station or at any other location where, as established
7 under sub. (8) (bm), the vehicle may be inspected.

8 **SECTION 2654.** 110.20 (8) (title) of the statutes is amended to read:

9 110.20 (8) (title) CONTRACTORS AND OTHER INSPECTION METHODS.

10 **SECTION 2655.** 110.20 (8) of the statutes is renumbered 110.20 (8) (am), and
11 110.20 (8) (am) 1., as renumbered, is amended to read:

12 110.20 (8) (am) 1. The emissions test and equipment inspection of nonexempt
13 vehicles ~~shall~~ may be performed by persons under contract with the department. The
14 Each such contract shall require the contractor to operate inspection stations for a
15 minimum of 3 years and shall provide for equitable compensation to the contractor
16 if the operation of an inspection and maintenance program within any county is
17 terminated within 3 years after the inspection and maintenance program in the
18 county is begun. No officer, director or employee of the contractor may be an
19 employee of the department or a person engaged in the business of selling,
20 maintaining or repairing motor vehicles or of selling motor vehicle replacement or
21 repair parts. The department shall require the contractor to operate a sufficient
22 number of inspection stations, permanent or mobile, to ensure public convenience in
23 those counties identified under sub. (5).

24 **SECTION 2656.** 110.20 (8) (am) 1m. of the statutes is created to read:

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1 110.20 **(8)** (am) 1m. Each contract under subd. 1. may authorize or require the
2 contractor to install and operate self-service inspection stations and may allow the
3 use of different methods for emissions testing and equipment inspection, consistent
4 with methods established under par. (bm), than those used at inspection stations
5 that are not self-service.

6 **SECTION 2657.** 110.20 (8) (bm) of the statutes is created to read:

7 110.20 **(8)** (bm) The department may establish methods for emissions testing
8 and equipment inspection of nonexempt vehicles in addition to testing and
9 inspection by contractors. These methods may include the installation and operation
10 by the department of self-service inspection stations and the utilization of any
11 technology related to emissions or data transmission with which motor vehicles may
12 be equipped. The department may establish methods for emissions testing and
13 equipment inspection specifically applicable to self-service inspection stations,
14 which methods shall apply equally to self-service inspection stations operated by
15 contractors under par. (am) 1m. and self-service inspection stations operated by the
16 department under this paragraph.

17 **SECTION 2658.** 110.20 (9) (k) of the statutes is created to read:

18 110.20 **(9)** (k) Prescribe a procedure for any method for emissions testing and
19 equipment inspection established under sub. (8) (bm).

20 **SECTION 2659.** 110.20 (10m) of the statutes is amended to read:

21 110.20 **(10m)** REINSPECTION. The owner of a nonexempt vehicle inspected under
22 this section is entitled, if the inspection determines that any applicable emission
23 limitation is exceeded, to one reinspection of the same vehicle at any inspection
24 station within this state operated by a contractor under sub. (8) (am), or at any other
25 location where, as established under sub. (8) (bm), the vehicle was initially inspected.

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1 if the reinspection takes place within 30 days after the initial inspection or the owner
2 presents satisfactory evidence that the repairs and adjustments which were
3 performed on the vehicle could not have been made within 30 days of the initial
4 inspection.

5 **SECTION 2660.** 110.20 (11) of the statutes is amended to read:

6 110.20 (11) INSPECTION TESTS; RESULTS. (a) ~~The A~~ contractor shall perform the
7 tests required under the federal act, and any testing and inspection method
8 established under sub. (8) (bm) shall include the tests required under the federal act.
9 The tests shall include one of the approved short tests required by the federal act to
10 determine compliance with applicable emission limitations for carbon monoxide,
11 hydrocarbons and oxides of nitrogen. The department may require ~~the contractor~~
12 contractors to provide information on the fuel efficiency of the motor vehicle.

13 (b) The department shall require ~~the each~~ contractor to furnish the results of
14 the emissions inspection in writing to the person presenting the vehicle for
15 inspection before he or she departs from the inspection station. For emissions
16 inspections not conducted by a contractor, the department shall require any testing
17 and inspection method established under sub. (8) (bm) to include the
18 contemporaneous furnishing of the results of the emissions inspection in writing to
19 the person having the vehicle inspected. If the inspection shows that the vehicle does
20 not comply with one or more applicable emissions limitations, the results shall
21 include, to the extent possible, a description of the noncompliance and the
22 adjustments or repairs likely to be needed for compliance.

23 **SECTION 2661.** 110.21 of the statutes is amended to read:

24 **110.21 Education and training related to motor vehicle emissions.** The
25 department and its contractors under s. 110.20 (8) (am) shall conduct a program of

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1 public education related to the motor vehicle emission and equipment inspection and
2 maintenance program established under s. 110.20 (6). The program under s. 110.20
3 (6) may include a pilot project of motor vehicle emissions inspections for those owners
4 who elect to present their motor vehicles for inspection.

5 **SECTION 2662.** 111.70 (1) (b) of the statutes is amended to read:

6 111.70 (1) (b) “Collective bargaining unit” means ~~a~~ the unit consisting of
7 ~~municipal employees who are school district professional employees or of municipal~~
8 ~~employees who are not school district professional employees~~ that is determined by
9 the commission to be appropriate for the purpose of collective bargaining.

10 **SECTION 2663.** 111.70 (1) (dm) of the statutes is repealed.

11 **SECTION 2664.** 111.70 (1) (fm) of the statutes is repealed.

12 **SECTION 2665.** 111.70 (1) (j) of the statutes is amended to read:

13 111.70 (1) (j) “Municipal employer” means any city, county, village, town,
14 metropolitan sewerage district, school district, ~~family~~ long-term care district, or any
15 other political subdivision of the state, or instrumentality of one or more political
16 subdivisions of the state, that engages the services of an employee and includes any
17 person acting on behalf of a municipal employer within the scope of the person’s
18 authority, express or implied, but specifically does not include a local cultural arts
19 district created under subch. V of ch. 229.

20 **SECTION 2666.** 111.70 (1) (nc) of the statutes is repealed.

21 **SECTION 2667.** 111.70 (4) (cm) 5. of the statutes is amended to read:

22 111.70 (4) (cm) 5. ‘Voluntary impasse resolution procedures.’ In addition to the
23 other impasse resolution procedures provided in this paragraph, a municipal
24 employer and labor organization may at any time, as a permissive subject of
25 bargaining, agree in writing to a dispute settlement procedure, including

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1 authorization for a strike by municipal employees or binding interest arbitration,
2 which is acceptable to the parties for resolving an impasse over terms of any
3 collective bargaining agreement under this subchapter. A copy of such agreement
4 shall be filed by the parties with the commission. If the parties agree to any form of
5 binding interest arbitration, the arbitrator shall give weight to the factors
6 enumerated under ~~subds. 7., 7g. and~~ subd. 7r.

7 **SECTION 2668.** 111.70 (4) (cm) 5s. of the statutes is repealed.

8 **SECTION 2669.** 111.70 (4) (cm) 6. a. of the statutes is amended to read:

9 111.70 (4) (cm) 6. a. If in any collective bargaining unit a dispute relating to one
10 or more issues, ~~qualifying for interest arbitration under subd. 5s. in a collective~~
11 ~~bargaining unit to which subd. 5s. applies,~~ has not been settled after a reasonable
12 period of negotiation and after mediation by the commission under subd. 3. and other
13 settlement procedures, if any, established by the parties have been exhausted, and
14 the parties are deadlocked with respect to any dispute between them over wages,
15 hours and conditions of employment to be included in a new collective bargaining
16 agreement, either party, or the parties jointly, may petition the commission, in
17 writing, to initiate compulsory, final and binding arbitration, as provided in this
18 paragraph. At the time the petition is filed, the petitioning party shall submit in
19 writing to the other party and the commission its preliminary final offer containing
20 its latest proposals on all issues in dispute. Within 14 calendar days after the date
21 of that submission, the other party shall submit in writing its preliminary final offer
22 on all disputed issues to the petitioning party and the commission. If a petition is
23 filed jointly, both parties shall exchange their preliminary final offers in writing and
24 submit copies to the commission at the time the petition is filed.

25 **SECTION 2670.** 111.70 (4) (cm) 6. am. of the statutes is amended to read:

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1 111.70 (4) (cm) 6. am. Upon receipt of a petition to initiate arbitration, the
2 commission shall make an investigation, with or without a formal hearing, to
3 determine whether arbitration should be commenced. If in determining whether an
4 impasse exists the commission finds that the procedures set forth in this paragraph
5 have not been complied with and such compliance would tend to result in a
6 settlement, it may order such compliance before ordering arbitration. The validity
7 of any arbitration award or collective bargaining agreement shall not be affected by
8 failure to comply with such procedures. Prior to the close of the investigation each
9 party shall submit in writing to the commission its single final offer containing its
10 final proposals on all issues in dispute that are subject to interest arbitration under
11 this subdivision ~~or under subd. 5s. in collective bargaining units to which subd. 5s.~~
12 ~~applies.~~ If a party fails to submit a single, ultimate final offer, the commission shall
13 close the investigation based on the last written position of the party. ~~The municipal~~
14 ~~employer may not submit a qualified economic offer under subd. 5s. after the close~~
15 ~~of the investigation.~~ Such final offers may include only mandatory subjects of
16 bargaining, except that a permissive subject of bargaining may be included by a
17 party if the other party does not object and shall then be treated as a mandatory
18 subject. No later than such time, the parties shall also submit to the commission a
19 stipulation, in writing, with respect to all matters which are agreed upon for
20 inclusion in the new or amended collective bargaining agreement. The commission,
21 after receiving a report from its investigator and determining that arbitration should
22 be commenced, shall issue an order requiring arbitration and immediately submit
23 to the parties a list of 7 arbitrators. Upon receipt of such list, the parties shall
24 alternately strike names until a single name is left, who shall be appointed as
25 arbitrator. The petitioning party shall notify the commission in writing of the

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1 identity of the arbitrator selected. Upon receipt of such notice, the commission shall
2 formally appoint the arbitrator and submit to him or her the final offers of the
3 parties. The final offers shall be considered public documents and shall be available
4 from the commission. In lieu of a single arbitrator and upon request of both parties,
5 the commission shall appoint a tripartite arbitration panel consisting of one member
6 selected by each of the parties and a neutral person designated by the commission
7 who shall serve as a chairperson. An arbitration panel has the same powers and
8 duties as provided in this section for any other appointed arbitrator, and all
9 arbitration decisions by such panel shall be determined by majority vote. In lieu of
10 selection of the arbitrator by the parties and upon request of both parties, the
11 commission shall establish a procedure for randomly selecting names of arbitrators.
12 Under the procedure, the commission shall submit a list of 7 arbitrators to the
13 parties. Each party shall strike one name from the list. From the remaining 5
14 names, the commission shall randomly appoint an arbitrator. Unless both parties
15 to an arbitration proceeding otherwise agree in writing, every individual whose
16 name is submitted by the commission for appointment as an arbitrator shall be a
17 resident of this state at the time of submission and every individual who is
18 designated as an arbitration panel chairperson shall be a resident of this state at the
19 time of designation.

20 **SECTION 2671.** 111.70 (4) (cm) 7. of the statutes is renumbered 111.70 (4) (cm)
21 7r. am. and amended to read:

22 111.70 (4) (cm) 7r. am. ~~'Factor given greatest weight.'~~ In making any decision
23 under the arbitration procedures authorized by this paragraph, the arbitrator or
24 arbitration panel shall consider and shall give the greatest weight to any Any state
25 law or directive lawfully issued by a state legislative or administrative officer, body

SENATE BILL 40**SECTION 2671**

1 or agency which places limitations on expenditures that may be made or revenues
2 that may be collected by a municipal employer. The arbitrator or arbitration panel
3 shall give an accounting of the consideration of this factor in the arbitrator's or
4 panel's decision.

5 **SECTION 2672.** 111.70 (4) (cm) 7g. of the statutes is renumbered 111.70 (4) (cm)
6 7r. ar. and amended to read:

7 111.70 (4) (cm) 7r. ar. ~~'Factor given greater weight.'~~ In making any decision
8 ~~under the arbitration procedures authorized by this paragraph, the arbitrator or~~
9 ~~arbitration panel shall consider and shall give greater weight to economic~~ Economic
10 conditions in the jurisdiction of the municipal employer ~~than to any of the factors~~
11 ~~specified in subd. 7r.~~

12 **SECTION 2673.** 111.70 (4) (cm) 7r. (intro.) of the statutes is amended to read:

13 111.70 (4) (cm) 7r. ~~'Other factors~~ Factors considered.' (intro.) In making any
14 decision under the arbitration procedures authorized by this paragraph, the
15 arbitrator or arbitration panel shall also give weight to the following factors:

16 **SECTION 2674.** 111.70 (4) (cm) 8m. a. and c. of the statutes are consolidated,
17 renumbered 111.70 (4) (cm) 8m. and amended to read:

18 111.70 (4) (cm) 8m. "Term of agreement; reopening of negotiations." Except for
19 the initial collective bargaining agreement between the parties ~~and,~~ except as the
20 parties otherwise agree, every collective bargaining agreement covering municipal
21 employees subject to this paragraph ~~other than school district professional~~
22 ~~employees shall be for a term of 2 years.~~ No, but in no case may a collective
23 bargaining agreement for any collective bargaining unit consisting of municipal
24 employees subject to this paragraph ~~other than school district professional~~
25 ~~employees shall be for a term exceeding 3 years.~~ e. No arbitration award may contain

SENATE BILL 40**SECTION 2674**

1 a provision for reopening of negotiations during the term of a collective bargaining
2 agreement, unless both parties agree to such a provision. The requirement for
3 agreement by both parties does not apply to a provision for reopening of negotiations
4 with respect to any portion of an agreement that is declared invalid by a court or
5 administrative agency or rendered invalid by the enactment of a law or promulgation
6 of a federal regulation.

7 **SECTION 2675.** 111.70 (4) (cm) 8m. b. of the statutes is repealed.

8 **SECTION 2676.** 111.70 (4) (cm) 8p. of the statutes is repealed.

9 **SECTION 2677.** 111.70 (4) (cm) 8s. of the statutes is repealed.

10 **SECTION 2678.** 111.70 (4) (cn) of the statutes is repealed.

11 **SECTION 2679.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

12 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
13 bargaining unit for the purpose of collective bargaining and shall whenever possible,
14 unless otherwise required under this subchapter, avoid fragmentation by
15 maintaining as few collective bargaining units as practicable in keeping with the size
16 of the total municipal work force. In making such a determination, the commission
17 may decide whether, in a particular case, the municipal employees in the same or
18 several departments, divisions, institutions, crafts, professions, or other
19 occupational groupings constitute a collective bargaining unit. Before making its
20 determination, the commission may provide an opportunity for the municipal
21 employees concerned to determine, by secret ballot, whether or not they desire to be
22 established as a separate collective bargaining unit. ~~The commission shall not~~
23 ~~decide, however, that any group of municipal employees constitutes an appropriate~~
24 ~~collective bargaining unit if the group includes both municipal employees who are~~
25 ~~school district professional employees and municipal employees who are not school~~

SENATE BILL 40**SECTION 2679**

1 ~~district professional employees.~~ The commission shall not decide, however, that any
2 other group of municipal employees constitutes an appropriate collective bargaining
3 unit if the group includes both professional employees and nonprofessional
4 employees, unless a majority of the professional employees vote for inclusion in the
5 unit. The commission shall not decide that any group of municipal employees
6 constitutes an appropriate collective bargaining unit if the group includes both craft
7 employees and noncraft employees unless a majority of the craft employees vote for
8 inclusion in the unit. The commission shall place the professional employees who are
9 assigned to perform any services at a charter school, as defined in s. 115.001 (1), in
10 a separate collective bargaining unit from a unit that includes any other professional
11 employees whenever at least 30% of those professional employees request an election
12 to be held to determine that issue and a majority of the professional employees at the
13 charter school who cast votes in the election decide to be represented in a separate
14 collective bargaining unit. Any vote taken under this subsection shall be by secret
15 ballot.

16 **SECTION 2680.** 111.91 (2) (n) of the statutes is amended to read:

17 111.91 (2) (n) The provision to employees of the health insurance coverage
18 required under s. 632.895 (11) to (14) (15).

19 **SECTION 2681.** Subchapter VI of chapter 111 [precedes 111.95] of the statutes
20 is created to read:

21 **CHAPTER 111**

22 **SUBCHAPTER VI**

23 **UNIVERSITY OF WISCONSIN SYSTEM**

24 **FACULTY AND ACADEMIC STAFF**

25 **LABOR RELATIONS**

SENATE BILL 40**SECTION 2681**

1 **111.95 Declaration of policy.** The public policy of the state as to labor
2 relations and collective bargaining involving faculty and academic staff at the
3 University of Wisconsin System, in furtherance of which this subchapter is enacted,
4 is as follows:

5 **(1)** The people of the state of Wisconsin have a fundamental interest in
6 developing harmonious and cooperative labor relations within the University of
7 Wisconsin System.

8 **(2)** It recognizes that there are 3 major interests involved: that of the public,
9 that of the employee, and that of the employer. These 3 interests are to a considerable
10 extent interrelated. It is the policy of this state to protect and promote each of these
11 interests with due regard to the rights of the others.

12 **111.96 Definitions.** In this subchapter:

13 **(1)** “Academic staff” has the meaning given under s. 36.05 (1), but does not
14 include any individual holding an appointment under s. 36.13 or 36.15 (2m) or who
15 is appointed to a visiting faculty position.

16 **(2)** “Board” means the Board of Regents of the University of Wisconsin System.

17 **(3)** “Collective bargaining” means the performance of the mutual obligation of
18 the state as an employer, by its officers and agents, and the representatives of its
19 employees, to meet and confer at reasonable times, in good faith, with respect to the
20 subjects of bargaining provided in s. 111.998 with the intention of reaching an
21 agreement, or to resolve questions arising under such an agreement. The duty to
22 bargain, however, does not compel either party to agree to a proposal or require the
23 making of a concession. Collective bargaining includes the reduction of any
24 agreement reached to a written and signed document.

25 **(4)** “Collective bargaining unit” means a unit established under s. 111.98 (1).

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1 **(5)** “Commission” means the employment relations commission.

2 **(6)** “Election” means a proceeding conducted by the commission in which the
3 employees in a collective bargaining unit cast a secret ballot for collective bargaining
4 representatives, or for any other purpose specified in this subchapter.

5 **(7)** “Employee” includes:

6 (a) All faculty, except faculty who are supervisors, management employees, and
7 individuals who are privy to confidential matters affecting the employer–employee
8 relationship and except for faculty who hold a limited appointment under s. 36.17 or
9 deans.

10 (b) All academic staff, except for supervisors, management employees, and
11 individuals who are privy to confidential matters affecting the employer–employee
12 relationship.

13 **(8)** “Employer” means the state of Wisconsin.

14 **(9)** “Faculty” has the meaning given in s. 36.05 (8), except for an individual
15 holding an appointment under s. 36.15 (1), (2), (2m), or (3).

16 **(10)** “Fair–share agreement” means an agreement between the employer and
17 a labor organization representing employees under which all of the employees in a
18 collective bargaining unit are required to pay their proportionate share of the cost
19 of the collective bargaining process and contract administration measured by the
20 amount of dues uniformly required of all members.

21 **(11)** “Institution” has the meaning given in s. 36.05 (9).

22 **(12)** “Labor dispute” means any controversy with respect to the subjects of
23 bargaining provided in this subchapter.

24 **(13)** “Labor organization” means any employee organization whose purpose is
25 to represent employees in collective bargaining with the employer, or its agents, on

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1 matters pertaining to terms and conditions of employment, but does not include any
2 organization that does any of the following:

3 (a) Advocates the overthrow of the constitutional form of government in the
4 United States.

5 (b) Discriminates with regard to the terms or conditions of membership
6 because of race, color, creed, sex, age, sexual orientation, or national origin.

7 **(14)** “Maintenance of membership agreement” means an agreement between
8 the employer and a labor organization representing employees that requires that all
9 of the employees whose dues are being deducted from earnings under s. 20.921 (1)
10 or 111.992 at or after the time the agreement takes effect shall continue to have dues
11 deducted for the duration of the agreement and that dues shall be deducted from the
12 earnings of all employees who are hired on or after the effective date of the
13 agreement.

14 **(15)** “Management employees” include those personnel engaged
15 predominately in executive and managerial functions.

16 **(16)** “Office” means the office of state employment relations in the department
17 of administration.

18 **(17)** “Referendum” means a proceeding conducted by the commission in which
19 employees, or supervisors specified in s. 111.98 (5) or (6), in a collective bargaining
20 unit may cast a secret ballot on the question of directing the labor organization and
21 the employer to enter into a fair-share or maintenance of membership agreement or
22 to terminate such an agreement.

23 **(18)** “Representative” includes any person chosen by an employee to represent
24 the employee.

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1 **(19)** “Strike” includes any strike or other concerted stoppage of work by
2 employees, any concerted slowdown or other concerted interruption of operations or
3 services by employees, or any concerted refusal to work or perform their usual duties
4 as employees of the state.

5 **(20)** “Supervisor” means any individual whose principal work is different from
6 that of the individual’s subordinates and who has authority, in the interest of the
7 employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign,
8 reward or discipline employees, or to adjust their grievances, or to authoritatively
9 recommend such action, if the individual’s exercise of such authority is not of a
10 merely routine or clerical nature, but requires the use of independent judgment.

11 **(21)** “Unfair labor practice” means any unfair labor practice specified in s.
12 111.991.

13 **111.965 Duties of the state. (1)** In the furtherance of this subchapter, the
14 state shall be considered as a single employer. The board shall negotiate and
15 administer collective bargaining agreements. To coordinate the employer position
16 in the negotiation of agreements, the board shall maintain close liaison with the
17 legislature and the office relative to the negotiation of agreements and the fiscal
18 ramifications of those agreements. The board shall coordinate its collective
19 bargaining activities with the office. The legislative branch shall act upon those
20 portions of tentative agreements negotiated by the board that require legislative
21 action.

22 **(2)** The board shall establish a collective bargaining capacity and shall
23 represent the state in its responsibility as an employer under this subchapter. The
24 board shall coordinate its actions with the director of the office.

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1 **111.97 Rights of employees.** Employees shall have the right of
2 self-organization and the right to form, join, or assist labor organizations, to bargain
3 collectively through representatives of their own choosing under this subchapter,
4 and to engage in lawful, concerted activities for the purpose of collective bargaining
5 or other mutual aid or protection. Employees shall also have the right to refrain from
6 any such activities.

7 **111.98 Collective bargaining units. (1)** Collective bargaining units for
8 faculty and staff in the unclassified service of the state shall be structured with a
9 collective bargaining unit for each of the following groups:

10 (a) Faculty of the University of Wisconsin–Madison.

11 (am) Faculty of the University of Wisconsin–Milwaukee.

12 (b) Faculty of the University of Wisconsin–Extension.

13 (bm) Faculty of the University of Wisconsin–Eau Claire.

14 (c) Faculty of the University of Wisconsin–Green Bay.

15 (cm) Faculty of the University of Wisconsin–La Crosse.

16 (d) Faculty of the University of Wisconsin–Oshkosh.

17 (dm) Faculty of the University of Wisconsin–Parkside.

18 (e) Faculty of the University of Wisconsin–Platteville.

19 (em) Faculty of the University of Wisconsin–River Falls.

20 (f) Faculty of the University of Wisconsin–Stevens Point.

21 (fm) Faculty of the University of Wisconsin–Stout.

22 (g) Faculty of the University of Wisconsin–Superior.

23 (gm) Faculty of the University of Wisconsin–Whitewater.

24 (h) Faculty of the University of Wisconsin Colleges.

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1 (i) All academic staff employed by the Board of Regents of the University of
2 Wisconsin System.

3 **(2)** (a) Notwithstanding sub. (1), 2 or more collective bargaining units described
4 under sub. (1) (a) to (h) may be combined into a single unit. If 2 or more collective
5 bargaining units seek to combine into a single collective bargaining unit, the
6 commission shall, upon the petition of at least 30 percent of the employees in each
7 unit, hold an election to determine whether a majority of those employees voting in
8 each unit desire to combine into a single unit. A combined collective bargaining unit
9 shall be formed including all employees from each of those units in which a majority
10 of the employees voting in the election approve a combined unit. The combined
11 collective bargaining unit shall be formed immediately if there is no existing
12 collective bargaining agreement in force in any of the units to be combined. If there
13 is a collective bargaining agreement in force at the time of the election in any of the
14 collective bargaining units to be combined, the combined unit shall be formed upon
15 expiration of the last agreement for the units concerned.

16 (b) If 2 or more collective bargaining units have combined under par. (a), the
17 commission shall, upon petition of at least 30 percent of the employees in any of the
18 original units, hold an election of the employees in the original unit to determine
19 whether the employees in that unit desire to withdraw from the combined collective
20 bargaining unit. If a majority of the employees voting desire to withdraw from the
21 combined collective bargaining unit, separate units consisting of the unit in which
22 the election was held and a unit composed of the remainder of the combined unit shall
23 be formed. The new collective bargaining units shall be formed immediately if there
24 is no collective bargaining agreement in force for the combined unit. If there is a
25 collective bargaining agreement in force for the combined collective bargaining unit,

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1 the new units shall be formed upon the expiration of the agreement. While there is
2 a collective bargaining agreement in force for the combined collective bargaining
3 unit, a petition for an election under this paragraph may be filed only during October
4 in the calendar year prior to the expiration of the agreement.

5 (3) The commission shall assign employees to the appropriate collective
6 bargaining units described under sub. (1) or (2).

7 (4) Any labor organization may petition for recognition as the exclusive
8 representative of a collective bargaining unit described under sub. (1) or (2) in
9 accordance with the election procedures under s. 111.990 if the petition is
10 accompanied by a 30 percent showing of interest in the form of signed authorization
11 cards. Any additional labor organization seeking to appear on the ballot shall file a
12 petition within 60 days of the date of filing of the original petition and prove, through
13 signed authorization cards, that at least 10 percent of the employees in the collective
14 bargaining unit want it to be their representative.

15 (5) Although academic staff supervisors are not considered employees for the
16 purpose of this subchapter, the commission may consider a petition for a statewide
17 collective bargaining unit consisting of academic staff supervisors, but the
18 representative of the supervisors may not be affiliated with any labor organization
19 representing employees. For purposes of this subsection, affiliation does not include
20 membership in a national, state, county, or municipal federation of national or
21 international labor organizations. The certified representative of the supervisors
22 may not bargain collectively with respect to any matter other than wages and fringe
23 benefits.

24 (6) Although faculty supervisors are not considered employees for the purpose
25 of this subchapter, the commission may consider a petition for a statewide collective

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1 bargaining unit consisting of faculty supervisors, but the representative of the
2 supervisors may not be affiliated with any labor organization representing
3 employees. For purposes of this subsection, affiliation does not include membership
4 in a national, state, county, or municipal federation of national or international labor
5 organizations. The certified representative of the supervisors may not bargain
6 collectively with respect to any matter other than wages and fringe benefits.

7 **111.990 Representatives and elections. (1)** A representative chosen for the
8 purposes of collective bargaining by a majority of the employees voting in a collective
9 bargaining unit shall be the exclusive representative of all of the employees in such
10 unit for the purposes of collective bargaining. Any individual employee, or any
11 minority group of employees in any collective bargaining unit, may present any
12 grievance to the employer in person, or through representatives of their own
13 choosing, and the employer shall confer with the individual employee or group of
14 employees with respect to the grievance if the majority representative has been
15 afforded the opportunity to be present at the conference. Any adjustment resulting
16 from such a conference may not be inconsistent with the conditions of employment
17 established by the majority representative and the employer.

18 **(2)** Whenever a question arises concerning the representation of employees in
19 a collective bargaining unit, the commission shall determine the representation by
20 taking a secret ballot of the employees and certifying in writing the results to the
21 interested parties and to the board. There shall be included on any ballot for the
22 election of representatives the names of all labor organizations having an interest
23 in representing the employees participating in the election as indicated in petitions
24 filed with the commission. The name of any existing representative shall be included
25 on the ballot without the necessity of filing a petition. The commission may exclude

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1 from the ballot one who, at the time of the election, stands deprived of his or her rights
2 under this subchapter by reason of a prior adjudication of his or her having engaged
3 in an unfair labor practice. The ballot shall be so prepared as to permit a vote against
4 representation by anyone named on the ballot. For elections in a collective
5 bargaining unit composed of employees who are members of the faculty or academic
6 staff, whenever more than one representative qualifies to appear on the ballot, the
7 ballot shall be prepared to provide separate votes on 2 questions. The first question
8 shall be: “Shall the employees of the ... (name of collective bargaining unit)
9 participate in collective bargaining?”. The 2nd question shall be: “If the employees
10 of the ... (name of collective bargaining unit) elect to participate in collective
11 bargaining, which labor organization do you favor to act as representative of the
12 employees?”. The 2nd question shall not include a choice for no representative. All
13 employees in the collective bargaining unit may vote on both questions. Unless a
14 majority of those employees voting in the election vote to participate in collective
15 bargaining, no votes for a particular representative may be counted. If a majority
16 of those employees voting in the election vote to participate in collective bargaining,
17 the ballots for representatives shall be counted. The commission’s certification of the
18 results of any election is conclusive as to the findings included therein unless
19 reviewed under s. 111.07 (8).

20 **(3)** Whenever an election has been conducted under sub. (2) in which a majority
21 of the employees voting indicate a desire to participate in collective bargaining but
22 in which no named representative is favored by a majority of the employees voting,
23 the commission may, if requested by a party to the proceeding within 30 days from
24 the date of the certification of the results of the election, conduct a runoff election.

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1 In that runoff election, the commission shall drop from the ballot the name of the
2 representative who received the least number of votes at the original election.

3 (4) While a collective bargaining agreement between a labor organization and
4 an employer is in force under this subchapter, a petition for an election in the
5 collective bargaining unit to which the agreement applies may be filed only during
6 October in the calendar year prior to the expiration of that agreement. An election
7 held under that petition may be held only if the petition is supported by proof that
8 at least 30 percent of the employees in the collective bargaining unit desire a change
9 or discontinuance of existing representation. Within 60 days of the time that an
10 original petition is filed, another petition may be filed supported by proof that at least
11 10 percent of the employees in the same collective bargaining unit desire a different
12 representative. If a majority of the employees in the collective bargaining unit vote
13 for a change or discontinuance of representation by any named representative, the
14 decision takes effect upon expiration of any existing collective bargaining agreement
15 between the employer and the existing representative.

16 **111.991 Unfair labor practices. (1)** It is an unfair labor practice for an
17 employer individually or in concert with others:

18 (a) To interfere with, restrain, or coerce employees in the exercise of their rights
19 guaranteed under s. 111.97.

20 (b) Except as otherwise provided in this paragraph, to initiate, create,
21 dominate, or interfere with the formation or administration of any labor or employee
22 organization or contribute financial support to it. Except as provided in ss. 40.02 (22)
23 (e) and 40.23 (1) (f) 4., no change in any law affecting the Wisconsin Retirement
24 System under ch. 40 and no action by the employer that is authorized by such a law
25 is a violation of this paragraph unless an applicable collective bargaining agreement

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1 specifically prohibits the change or action. No such change or action affects the
2 continuing duty to bargain collectively regarding the Wisconsin Retirement System
3 under ch. 40 to the extent required by s. 111.998. It is not an unfair labor practice
4 for the employer to reimburse an employee at his or her prevailing wage rate for the
5 time spent during the employee's regularly scheduled hours conferring with the
6 employer's officers or agents and for attendance at commission or court hearings
7 necessary for the administration of this subchapter.

8 (c) To encourage or discourage membership in any labor organization by
9 discrimination in regard to hiring, tenure, or other terms or conditions of
10 employment. This paragraph does not apply to fair-share or maintenance of
11 membership agreements.

12 (d) To refuse to bargain collectively on matters set forth in s. 111.998 with a
13 representative of a majority of its employees in an appropriate collective bargaining
14 unit. Whenever the employer has a good faith doubt as to whether a labor
15 organization claiming the support of a majority of its employees in an appropriate
16 collective bargaining unit does in fact have that support, it may file with the
17 commission a petition requesting an election as to that claim. The employer is not
18 considered to have refused to bargain until an election has been held and the results
19 of the election are certified to the employer by the commission. A violation of this
20 paragraph includes the refusal to execute a collective bargaining agreement
21 previously orally agreed upon.

22 (e) To violate any collective bargaining agreement previously agreed upon by
23 the parties with respect to wages, hours, and conditions of employment affecting the
24 employees, including an agreement to arbitrate or to accept the terms of an

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1 arbitration award, when previously the parties have agreed to accept such award as
2 final and binding upon them.

3 (f) To deduct labor organization dues from an employee's earnings, unless the
4 employer has been presented with an individual order therefor, signed by the
5 employee personally, and terminable by at least the end of any year of its life or
6 earlier by the employee giving at least 30 but not more than 120 days written notice
7 of such termination to the employer and to the representative labor organization,
8 except if there is a fair-share or maintenance of membership agreement in effect.
9 The employer shall give notice to the labor organization of receipt of such notice of
10 termination.

11 **(1m)** Notwithstanding sub. (1), it is not an unfair labor practice for the board
12 to implement changes in salaries or conditions of employment for members of the
13 faculty or academic staff at one institution, and not for other members of the faculty
14 or academic staff at another institution, but this may be done only if the differential
15 treatment is based on comparisons with the compensation and working conditions
16 of employees performing similar services for comparable higher education
17 institutions or based upon other competitive factors.

18 **(2)** It is unfair practice for an employee individually or in concert with others:

19 (a) To coerce or intimidate an employee in the enjoyment of the employee's legal
20 rights, including those guaranteed under s. 111.97.

21 (b) To coerce, intimidate, or induce any officer or agent of the employer to
22 interfere with any of the employer's employees in the enjoyment of their legal rights
23 including those guaranteed under s. 111.97 or to engage in any practice with regard
24 to its employees which would constitute an unfair labor practice if undertaken by the
25 officer or agent on the officer's or agent's own initiative.

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1 (c) To refuse to bargain collectively on matters specified in s. 111.998 with the
2 authorized officer or agent of the employer that is the recognized or certified
3 exclusive collective bargaining representative of employees in an appropriate
4 collective bargaining unit. Such refusal to bargain shall include a refusal to execute
5 a collective bargaining agreement previously orally agreed upon.

6 (d) To violate the provisions of any written agreement with respect to terms and
7 conditions of employment affecting employees, including an agreement to arbitrate
8 or to accept the terms of an arbitration award, when previously the parties have
9 agreed to accept such awards as final and binding upon them.

10 (e) To engage in, induce, or encourage any employees to engage in a strike or
11 a concerted refusal to work or perform their usual duties as employees.

12 (f) To coerce or intimidate a supervisory employee, officer, or agent of the
13 employer, working at the same trade or profession as the employer's employees, to
14 induce the person to become a member of or act in concert with the labor organization
15 of which the employee is a member

16 **(3)** It is an unfair labor practice for any person to do or cause to be done on
17 behalf of or in the interest of employers or employees, or in connection with or to
18 influence the outcome of any controversy as to employment relations, any act
19 prohibited by subs. (1) and (2).

20 **(4)** Any controversy concerning unfair labor practices may be submitted to the
21 commission as provided in s. 111.07, except that the commission shall schedule a
22 hearing on complaints involving alleged violations of sub. (2) (e) within 3 days after
23 filing of a complaint, and notice shall be given to each party interested by service on
24 the party personally, or by telegram, advising the party of the nature of the complaint
25 and of the date, time, and place of hearing. The commission may appoint a substitute

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1 tribunal to hear unfair labor practice charges by either appointing a 3–member panel
2 or submitting a 7–member panel to the parties and allowing each to strike 2 names.
3 Any such panel shall report its finding to the commission for appropriate action.

4 **111.992 Fair–share and maintenance of membership agreements. (1)**

5 (a) No fair–share or maintenance of membership agreement may become effective
6 unless authorized by a referendum. The commission shall order a referendum
7 whenever it receives a petition supported by proof that at least 30 percent of the
8 employees or supervisors specified in s. 111.98 (5) or (6) in a collective bargaining unit
9 desire that a fair–share or maintenance of membership agreement be entered into
10 between the employer and a labor organization. A petition may specify that a
11 referendum is requested on a maintenance of membership agreement only, in which
12 case the ballot shall be limited to that question.

13 (b) For a fair–share agreement to be authorized, at least two–thirds of the
14 eligible employees or supervisors voting in a referendum shall vote in favor of the
15 agreement. For a maintenance of membership agreement to be authorized, at least
16 a majority of the eligible employees or supervisors voting in a referendum shall vote
17 in favor of the agreement. In a referendum on a fair–share agreement, if less than
18 two–thirds but more than one–half of the eligible employees or supervisors vote in
19 favor of the agreement, a maintenance of membership agreement is authorized.

20 (c) If a fair–share or maintenance of membership agreement is authorized in
21 a referendum, the employer shall enter into such an agreement with the labor
22 organization named on the ballot in the referendum. Each fair–share or
23 maintenance of membership agreement shall contain a provision requiring the
24 employer to deduct the amount of dues as certified by the labor organization from the
25 earnings of the employees or supervisors affected by the agreement and to pay the

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1 amount so deducted to the labor organization. Unless the parties agree to an earlier
2 date, the agreement shall take effect 60 days after certification by the commission
3 that the referendum vote authorized the agreement. The employer shall be held
4 harmless against any claims, demands, suits and other forms of liability made by
5 employees or supervisors or local labor organizations which may arise for actions
6 taken by the employer in compliance with this section. All such lawful claims,
7 demands, suits and other forms of liability are the responsibility of the labor
8 organization entering into the agreement.

9 (d) Under each fair-share or maintenance of membership agreement, an
10 employee or supervisor who has religious convictions against dues payments to a
11 labor organization based on teachings or tenets of a church or religious body of which
12 he or she is a member shall, on request to the labor organization, have his or her dues
13 paid to a charity mutually agreed upon by the employee or supervisor and the labor
14 organization. Any dispute concerning this paragraph may be submitted to the
15 commission for adjudication.

16 **(2)** (a) Once authorized, a fair-share or maintenance of membership
17 agreement shall continue in effect, subject to the right of the employer or labor
18 organization concerned to petition the commission to conduct a new referendum.
19 Such a petition must be supported by proof that at least 30 percent of the employees
20 or supervisors in the collective bargaining unit desire that the fair-share or
21 maintenance of membership agreement be discontinued. Upon so finding, the
22 commission shall conduct a new referendum. If the continuance of the fair-share or
23 maintenance of membership agreement is approved in the referendum by at least the
24 percentage of eligible voting employees or supervisors required for its initial
25 authorization, it shall be continued in effect, subject to the right of the employer or

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1 labor organization to later initiate a further vote following the procedure prescribed
2 in this subsection. If the continuation of the agreement is not supported in any
3 referendum, it is considered terminated at the termination of the collective
4 bargaining agreement, or one year from the date of the certification of the result of
5 the referendum, whichever is earlier.

6 (b) The commission shall declare any fair-share or maintenance of
7 membership agreement suspended upon such conditions and for such time as the
8 commission decides whenever it finds that the labor organization involved has
9 refused on the basis of race, color, sexual orientation, or creed to receive as a member
10 any employee or supervisor in the collective bargaining unit involved, and the
11 agreement shall be made subject to the findings and orders of the commission. Any
12 of the parties to the agreement, or any employee or supervisor covered under the
13 agreement, may come before the commission, as provided in s. 111.07, and petition
14 the commission to make such a finding.

15 (3) A stipulation for a referendum executed by an employer and a labor
16 organization may not be filed until after the representation election has been held
17 and the results certified.

18 (4) The commission may, under rules adopted for that purpose, appoint as its
19 agent an official of a state agency whose employees are entitled to vote in a
20 referendum to conduct a referendum under this section.

21 **111.993 Grievance arbitration.** (1) Parties to the dispute pertaining to the
22 interpretation of a collective bargaining agreement may agree in writing to have the
23 commission or any other appointing state agency serve as arbitrator or may
24 designate any other competent, impartial, and disinterested persons to so serve.
25 Such arbitration proceedings shall be governed by ch. 788.

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1 **(2)** The board shall charge an institution for the employer’s share of the cost
2 related to grievance arbitration under sub. (1) for any arbitration that involves one
3 or more employees of the institution. Each institution so charged shall pay the
4 amount that the board charges from the appropriation account or accounts used to
5 pay the salary of the grievant. Funds received under this subsection shall be credited
6 to the appropriation account under s. 20.545 (1) (km).

7 **111.994 Mediation.** The commission may appoint any competent, impartial,
8 disinterested person to act as mediator in any labor dispute either upon its own
9 initiative or upon the request of one of the parties to the dispute. It is the function
10 of a mediator to bring the parties together voluntarily under such favorable auspices
11 as will tend to effectuate settlement of the dispute, but neither the mediator nor the
12 commission shall have any power of compulsion in mediation proceedings.

13 **111.995 Fact–finding. (1)** If a dispute has not been settled after a reasonable
14 period of negotiation and after the settlement procedures, if any, established by the
15 parties have been exhausted, the representative that has been certified by the
16 commission after an election, as the exclusive representative of employees in an
17 appropriate bargaining unit, and the employer, its officers, and agents, after a
18 reasonable period of negotiation, are deadlocked with respect to any dispute between
19 them arising in the collective bargaining process, the parties jointly may petition the
20 commission, in writing, to initiate fact–finding under this section, and to make
21 recommendations to resolve the deadlock.

22 **(2)** Upon receipt of a petition to initiate fact–finding, the commission shall
23 make an investigation with or without a formal hearing, to determine whether a
24 deadlock in fact exists. The commission shall certify the results of the investigation.
25 If the commission decides that fact–finding should be initiated, it shall appoint a

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1 qualified, disinterested person or, when jointly requested by the parties, a 3–member
2 panel to function as a fact finder.

3 **(3)** The fact finder may establish dates and place of hearings and shall conduct
4 the hearings under rules established by the commission. Upon request, the
5 commission shall issue subpoenas for hearings conducted by the fact finder. The fact
6 finder may administer oaths. Upon completion of the hearing, the fact finder shall
7 make written findings of fact and recommendations for solution of the dispute and
8 shall cause the same to be served on the parties and the commission. In making
9 findings and recommendations, the fact finder shall take into consideration among
10 other pertinent factors the principles vital to the public interest in efficient and
11 economical governmental administration. Upon the request of either party the fact
12 finder may orally present the recommendations in advance of service of the written
13 findings and recommendations. Cost of fact–finding proceedings shall be divided
14 equally between the parties. At the time the fact finder submits a statement of his
15 or her costs to the parties, the fact finder shall submit a copy thereof to the
16 commission at its Madison office.

17 **(4)** A fact finder may mediate a dispute at any time prior to the issuance of the
18 fact finder’s recommendations.

19 **(5)** Within 30 days of the receipt of the fact finder’s recommendations or within
20 a time period mutually agreed upon by the parties, each party shall advise the other,
21 in writing, as to the party’s acceptance or rejection, in whole or in part, of the fact
22 finder’s recommendations and, at the same time, send a copy of the notification to
23 the commission at its Madison office. Failure to comply with this subsection, by the
24 employer or employee representative, is a violation of s. 111.991 (1) (d) or (2) (c).

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1 **111.996 Strike prohibited. (1)** Upon establishing that a strike is in progress,
2 the employer may either seek an injunction or file an unfair labor practice charge
3 with the commission under s. 111.991 (2) (e) or both. It is the responsibility of the
4 board to decide whether to seek an injunction or file an unfair labor practice charge.
5 The existence of an administrative remedy does not constitute grounds for denial of
6 injunctive relief.

7 **(2)** The occurrence of a strike and the participation in the strike by an employee
8 do not affect the rights of the employer, in law or in equity, to deal with the strike,
9 including all of the following:

10 (a) The right to impose discipline, including discharge, or suspension without
11 pay, of any employee participating in the strike.

12 (b) The right to cancel the reinstatement eligibility of any employee engaging
13 in the strike.

14 (c) The right of the employer to request the imposition of fines, either against
15 the labor organization or the employee engaging in the strike, or to sue for damages
16 because of such strike activity.

17 **111.997 Management rights.** Nothing in this subchapter shall interfere with
18 the right of the board, in accordance with this subchapter to do any of the following:

19 **(1)** Carry out the statutory mandate and goals assigned to the board by the
20 most appropriate and efficient methods and means and utilize personnel in the most
21 appropriate and efficient manner possible.

22 **(2)** Manage the employees; hire, promote, transfer, assign, or retain employees;
23 and, in that regard, establish reasonable work rules.

24 **(3)** Suspend, demote, discharge, or take other appropriate disciplinary action
25 against the employee; or to lay off employees in the event of lack of work or funds or

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1 under conditions where continuation of such work would be inefficient and
2 nonproductive.

3 **111.998 Subjects of bargaining. (1)** (a) Except as provided in pars. (b) to (f),
4 matters subject to collective bargaining to the point of impasse are salaries; fringe
5 benefits consistent with sub. (2); and hours and conditions of employment.

6 (b) The board is not required to bargain on management rights under s.
7 111.997, except that procedures for the adjustment or settlement of grievances or
8 disputes arising out of any type of disciplinary action in s. 111.997 (3) is a subject of
9 bargaining.

10 (c) The board is prohibited from bargaining on matters contained in sub. (2).

11 (d) Except as provided in sub. (2) (d) and (e) and ss. 40.02 (22) (e) and 40.23 (1)
12 (f) 4., all laws governing the Wisconsin Retirement System under ch. 40 and all
13 actions of the board that are authorized under any such law which apply to
14 nonrepresented individuals employed by the state shall apply to similarly situated
15 employees, unless otherwise specifically provided in a collective bargaining
16 agreement that applies to those employees.

17 (e) Demands relating to retirement and group insurance shall be submitted to
18 the board at least one year prior to commencement of negotiations.

19 (f) The board is not required to bargain on matters related to employee
20 occupancy of houses or other lodging provided by the state.

21 **(2)** The board is prohibited from bargaining on:

22 (a) The mission and goals of the board as set forth in the statutes; the
23 diminution of the right of tenure provided the faculty under s. 36.13, the rights
24 granted faculty under s. 36.09 (4) and academic staff under s. 36.09 (4m), or the
25 rights of appointment provided academic staff under s. 36.15; or academic freedom.

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- 1 (b) Amendments to this subchapter.
- 2 (c) Family leave and medical leave rights below the minimum afforded under
3 s. 103.10. Nothing in this paragraph prohibits the board from bargaining on rights
4 to family leave or medical leave which are more generous to the employee than the
5 rights provided under s. 103.10.
- 6 (d) An increase in benefit adjustment contribution rates under s. 40.05 (2n) (a)
7 3.
- 8 (e) The rights of employees to have retirement benefits computed under s.
9 40.30.
- 10 (f) Honesty testing requirements that provide fewer rights and remedies to
11 employees than are provided under s. 111.37.
- 12 (h) Creditable service to which s. 40.285 (2) (b) 4. applies.
- 13 (i) Compliance with the health benefit plan requirements under ss. 632.746 (1)
14 to (8) and (10), 632.747, and 632.748.
- 15 (j) Compliance with the insurance requirements under s. 631.95.
- 16 (k) The definition of earnings under s. 40.02 (22).
- 17 (L) The maximum benefit limitations under s. 40.31
- 18 (m) The limitations on contributions under s. 40.32.
- 19 (n) The provision to employees of the health insurance coverage required under
20 s. 632.895 (11) to (14).
- 21 (o) The requirements related to coverage of and prior authorization for
22 treatment of an emergency medical condition under s. 632.85.
- 23 (p) The requirements related to coverage of drugs and devices under s. 632.853.
- 24 (q) The requirements related to experimental treatment under s. 632.855.

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1 (r) The requirements under s. 609.10 related to offering a point-of-service
2 option plan.

3 (s) The requirements related to internal grievance procedures under s. 632.83
4 and independent review of certain health benefit plan determinations under s.
5 632.835.

6 **111.999 Labor proposals.** The board shall notify and consult with the joint
7 committee on employment relations, in such form and detail as the committee
8 requests, regarding substantial changes in wages, employee benefits, personnel
9 management, and program policy contract provisions to be included in any contract
10 proposal to be offered to any labor organization by the state or to be agreed to by the
11 state before such proposal is actually offered or accepted.

12 **111.9991 Agreements. (1)** Any tentative agreement reached between the
13 board, acting for the state, and any labor organization representing a collective
14 bargaining unit specified in s. 111.98 shall, after official ratification by the labor
15 organization, be submitted by the board to the joint committee on employment
16 relations, which shall hold a public hearing before determining its approval or
17 disapproval. If the committee approves the tentative agreement, it shall introduce
18 in a bill or companion bills, to be put on the calendar or referred to the appropriate
19 scheduling committee of each house, that portion of the tentative agreement which
20 requires legislative action for implementation, such as salary and wage adjustments,
21 changes in fringe benefits, and any proposed amendments, deletions, or additions to
22 existing law. Such bill or companion bills are not subject to ss. 13.093 (1), 13.50 (6)
23 (a) and (b), and 16.47 (2). The committee may, however, submit suitable portions of
24 the tentative agreement to appropriate legislative committees for advisory
25 recommendations on the proposed terms. The committee shall accompany the

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1 introduction of such proposed legislation with a message that informs the legislature
2 of the committee's concurrence with the matters under consideration and that
3 recommends the passage of such legislation without change. If the joint committee
4 on employment relations does not approve the tentative agreement, it shall be
5 returned to the parties for renegotiation. If the legislature does not adopt without
6 change that portion of the tentative agreement introduced by the joint committee on
7 employment relations, the tentative agreement shall be returned to the parties for
8 renegotiation.

9 (2) No portion of any tentative agreement shall become effective separately.

10 (3) Agreements shall coincide with the fiscal year or biennium.

11 (4) The negotiation of collective bargaining agreements and their approval by
12 the parties should coincide with the overall fiscal planning and processes of the state.

13 (5) All compensation adjustments for employees shall be effective on the
14 beginning date of the pay period nearest the statutory or administrative date.

15 **111.9992 Status of existing benefits and rights.** Unless a prohibited
16 subject of bargaining under s. 111.998 (2), and except as provided in ss. 7.33 (4),
17 40.05, 40.80 (3), 111.998 (1) (d), and 230.35 (2d) and (3) (e) 6., all statutes and rules
18 governing the salaries, fringe benefits, hours, and conditions of employment apply
19 to each employee, unless otherwise provided in a collective bargaining agreement.

20 **111.9993 Rules, transcripts, fees.** (1) The commission may adopt
21 reasonable and proper rules relative to the exercise of its powers and authority and
22 proper rules to govern its proceedings and to regulate the conduct of all elections and
23 hearings under this subchapter. The commission shall, upon request, provide a
24 transcript of a proceeding to any party to the proceeding for a fee, established by rule,

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1 by the commission at a uniform rate per page. All transcript fees shall be credited
2 to the appropriation account under s. 20.425 (1) (i).

3 (2) The commission shall assess and collect a filing fee for filing a complaint
4 alleging that an unfair labor practice has been committed under s. 111.991. The
5 commission shall assess and collect a filing fee for filing a request that the
6 commission act as an arbitrator to resolve a dispute involving the interpretation or
7 application of a collective bargaining agreement under s. 111.993. The commission
8 shall assess and collect a filing fee for filing a request that the commission initiate
9 fact-finding under s. 111.995. The commission shall assess and collect a filing fee
10 for filing a request that the commission act as a mediator under s. 111.994. For the
11 performance of commission actions under ss. 111.993, 111.994, and 111.995, the
12 commission shall require that the parties to the dispute equally share in the payment
13 of the fee and, for the performance of commission actions involving a complaint
14 alleging that an unfair labor practice has been committed under s. 111.991, the
15 commission shall require that the party filing the complaint pay the entire fee. If any
16 party has paid a filing fee requesting the commission to act as a mediator for a labor
17 dispute and the parties do not enter into a voluntary settlement of the labor dispute,
18 the commission may not subsequently assess or collect a filing fee to initiate
19 fact-finding to resolve the same labor dispute. If any request concerns issues arising
20 as a result of more than one unrelated event or occurrence, each such separate event
21 or occurrence shall be treated as a separate request. The commission shall
22 promulgate rules establishing a schedule of filing fees to be paid under this
23 subsection. Fees required to be paid under this subsection shall be paid at the time
24 of filing the complaint or the request for fact-finding, mediation, or arbitration. A
25 complaint or request for fact-finding, mediation, or arbitration is not filed until the

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1 date such fee or fees are paid. Fees collected under this subsection shall be credited
2 to the appropriation account under s. 20.425 (1) (i).

3 **SECTION 2682.** 114.33 (10) of the statutes is amended to read:

4 114.33 (10) Subject to the approval of the governor under this subsection, the
5 secretary may sell at public or private sale property of whatever nature owned by the
6 state and under the jurisdiction of the secretary when the secretary determines that
7 the property is no longer necessary for the state's use for airport purposes and, if real
8 property, the real property is not the subject of a petition under s. 560.9810. The
9 secretary shall present to the governor a full and complete report of the property to
10 be sold, the reason for the sale, and the minimum price for which the property should
11 be sold, together with an application for the governor's approval of the sale. The
12 governor shall investigate the proposed sale as he or she deems necessary and
13 approve or disapprove the application. Upon approval and receipt of the full
14 purchase price, the secretary shall by appropriate deed or other instrument transfer
15 the property to the purchaser. The funds derived from the sale shall be deposited in
16 the appropriate airport fund, and the expense incurred by the secretary in
17 connection with the sale shall be paid from that fund. This subsection does not apply
18 to real property that is sold under s. 16.848.

19 **SECTION 2683.** 115.28 (23) (d) of the statutes is amended to read:

20 115.28 (23) (d) The ~~minority group pupil precollege~~ scholarship program under
21 s. 115.43.

22 **SECTION 2684.** 115.28 (46) of the statutes is created to read:

23 115.28 (46) GRANTS FOR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS
24 PROGRAMS. From the appropriation under s. 20.255 (2) (fz), award grants to school
25 districts to develop innovative instructional programs in science, technology,

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1 engineering and mathematics; support pupils who are typically under-represented
2 in these subjects; and increase the academic achievement of pupils in those subjects.

3 **SECTION 2685.** 115.315 of the statutes is amended to read:

4 **115.315 Memorandum of understanding; license restriction and**
5 **suspension.** As provided in the memorandum of understanding under s. 49.857, the
6 department shall restrict or suspend a license or permit granted by the department
7 if the licensee or permit holder is delinquent in making court-ordered payments of
8 child or family support, maintenance, birth expenses, medical expenses or other
9 expenses related to the support of a child or former spouse or if the licensee or permit
10 holder fails to comply, after appropriate notice, with a subpoena or warrant issued
11 by the department of ~~workforce development~~ children and families or a county child
12 support agency under s. 59.53 (5) and related to paternity or child support
13 proceedings.

14 **SECTION 2686.** 115.341 (1) of the statutes is amended to read:

15 115.341 (1) From the appropriation under s. 20.255 (2) (cm), the state
16 superintendent shall reimburse each school board ~~10~~ 15 cents for each breakfast
17 served at a school that meets the requirements of 7 CFR 220.8 or 220.8a, whichever
18 is applicable, and shall reimburse each governing body of a private school ~~10~~ 15 cents
19 for each breakfast served at the private school that meets the requirements of 7 CFR
20 220.8 or 220.8a, whichever is applicable.

21 **SECTION 2687.** 115.347 (1) of the statutes is amended to read:

22 115.347 (1) Beginning in the 1994-95 school year, a school board may submit
23 enrollment data to the department of ~~workforce development~~ children and families
24 for the purpose of directly certifying children as eligible for free or reduced-price

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1 meals under the federal school nutrition programs. The department of workforce
2 development children and families shall prescribe a format for the report.

3 **SECTION 2688.** 115.347 (2) of the statutes is amended to read:

4 115.347 (2) Whenever a school district that is located in whole or in part in a
5 county that has converted to the client assistance for reemployment and economic
6 support data system submits a report under sub. (1) in the prescribed format, the
7 department of ~~workforce development~~ children and families shall determine which
8 children enrolled in the school district are members of Wisconsin ~~works~~ Works
9 groups participating under s. 49.147 (3) to (5) or of families receiving aid to families
10 with dependent children or food stamps and shall provide the information to the
11 school board as soon thereafter as possible. The school board shall use the
12 information to directly certify children as eligible for free or reduced-price meals
13 served by the school district under federal school nutrition programs, pursuant to 42
14 USC 1758 (b) (2) (C) (ii) and (iii).

15 **SECTION 2689.** 115.347 (3) of the statutes is amended to read:

16 115.347 (3) The state superintendent shall assist school boards in developing
17 a method for submitting enrollment data to the department of ~~workforce~~
18 development children and families under sub. (1).

19 **SECTION 2690.** 115.365 (2) (intro.) of the statutes is amended to read:

20 115.365 (2) (intro.) The department, in conjunction with the department of
21 health and family services and the department of children and families, shall:

22 **SECTION 2691.** 115.368 (2) (intro.) of the statutes is amended to read:

23 115.368 (2) (intro.) The department, in conjunction with the department of
24 health and family services and the department of children and families, and after

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1 consulting with established organizations providing services with a focus on children
2 of risk, shall:

3 **SECTION 2692.** 115.395 of the statutes is created to read:

4 **115.395 Grants for improving pupil academic achievement. (1)** In this
5 section, “board” means the board of school directors in charge of the school district
6 operating under ch. 119.

7 **(2)** The board may apply to the department of administration for a grant of up
8 to \$5,000,000 in the 2007–08 school year and up to \$10,000,000 in any school year
9 thereafter to implement initiatives to improve pupil academic achievement in all
10 grades, such as employing licensed teachers to tutor pupils who are struggling
11 academically, or employing persons to coordinate the district’s instructional
12 programs and provide ongoing professional development for teachers. The board
13 shall submit with its application a plan for the department of administration’s
14 approval describing the initiatives for which the grant will be used, describing the
15 research showing that the initiatives have a positive effect on pupil academic
16 achievement, and including criteria for evaluating the effectiveness of the
17 initiatives, such as high school graduation rates or the results of the statewide pupil
18 assessments under ch. 118.30.

19 **(3)** The department of administration may approve the plan submitted under
20 sub. (2) in whole or in part. If the department approves a plan in part, the board may
21 submit an additional plan for the same school year and the department may award
22 the board all or part of the balance of grant funds.

23 **(4)** Upon receipt of a notice from the department of administration that a plan
24 has been approved under sub. (3), the state superintendent shall pay to the board,

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1 from the appropriation under s. 20.255 (2) (df), the amount specified by the
2 department of administration.

3 **SECTION 2693.** 115.42 (title) of the statutes is amended to read:

4 **115.42 (title) National Grants for national teacher certification or**
5 **master educator licensure.**

6 **SECTION 2694.** 115.42 (1) (a) 1. of the statutes is amended to read:

7 115.42 (1) (a) 1. The person is certified by the National Board for Professional
8 Teaching Standards or licensed by the department as a master educator under s. PI
9 34.19, Wis. Adm. Code.

10 **SECTION 2695.** 115.42 (1) (a) 2. of the statutes is amended to read:

11 115.42 (1) (a) 2. The person is licensed ~~as a teacher~~ by the state superintendent,
12 or employed ~~as a teacher~~ in a private school located in this state in a position that
13 would require a license issued by the state superintendent if the position were in a
14 public school.

15 **SECTION 2696.** 115.42 (1) (a) 4. of the statutes is amended to read:

16 115.42 (1) (a) 4. The person is employed ~~as a teacher~~ in this state in a position
17 that requires a license issued by the state superintendent or that would require such
18 a license if the position were in a public school.

19 **SECTION 2697.** 115.42 (1) (b) of the statutes is amended to read:

20 115.42 (1) (b) The grant under this subsection shall be an amount equal to the
21 costs of obtaining certification or licensure under par. (a) 1. that are borne by the
22 person, not to exceed \$2,000. The department shall award the grant under this
23 subsection in the first school year in which the person meets the requirements under
24 par. (a).

25 **SECTION 2698.** 115.42 (2) (a) (intro.) of the statutes is amended to read:

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1 115.42 (2) (a) (intro.) ~~The~~ Except as provided in par. (c), the department shall
2 award 9 grants of \$2,500 each to each person who received a grant under sub. (1) if
3 the person satisfies all of the following requirements:

4 **SECTION 2699.** 115.42 (2) (a) 1. of the statutes is amended to read:

5 115.42 (2) (a) 1. The person maintains his or her ~~certification by the National~~
6 ~~Board for Professional Teaching Standards~~ national teacher certificate or master
7 educator license.

8 **SECTION 2700.** 115.42 (2) (a) 2. of the statutes is amended to read:

9 115.42 (2) (a) 2. The person maintains his or her license ~~as a teacher~~ issued by
10 the state superintendent or remains employed in a private school located in this
11 state.

12 **SECTION 2701.** 115.42 (2) (a) 4. of the statutes is amended to read:

13 115.42 (2) (a) 4. The person remains employed ~~as a teacher~~ in this state in a
14 position that requires a license issued by the state superintendent or that would
15 require a license if the position were in a public school.

16 **SECTION 2702.** 115.42 (2) (c) of the statutes is created to read:

17 115.42 (2) (c) The amount of each grant under par. (a) shall be \$5,000 in any
18 school year in which the recipient is employed in a school in which at least 60 percent
19 of the pupils enrolled are eligible for a free or reduced-price lunch under 42 USC
20 1758 (6).

21 **SECTION 2703.** 115.42 (3) of the statutes is amended to read:

22 115.42 (3) The department may not require, as a condition for renewing a
23 person's ~~teaching~~ license, that the person have earned continuing professional
24 education credits or their equivalent in the 5 years immediately preceding his or her

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1 application for license renewal if he or she has been initially certified by the National
2 Board for Professional Teaching Standards during those 5 years.

3 **SECTION 2704.** 115.42 (4) (c) of the statutes is amended to read:

4 115.42 (4) (c) The number of times that a ~~teacher~~ person may be exempt from
5 continuing professional education requirements under sub. (3).

6 **SECTION 2705.** 115.43 (title) of the statutes is amended to read:

7 **115.43** (title) ~~Minority group pupil~~ Precollege scholarships.

8 **SECTION 2706.** 115.43 (1) of the statutes is amended to read:

9 115.43 (1) DEFINITION. In this section, “~~minority group~~ economically
10 disadvantaged pupil” means a pupil who is ~~Black or African American, Hispanic,~~
11 ~~American Indian, an Alaskan native, or a person of Asian or Pacific Island origin~~
12 eligible for a free or reduced-price lunch under 42 USC 1758 (b).

13 **SECTION 2707.** 115.43 (2) (a) of the statutes is amended to read:

14 115.43 (2) (a) Annually set goals relating to increasing the percentages of
15 ~~minority group~~ economically disadvantaged pupils who graduate from high school
16 and are prepared for postsecondary school education.

17 **SECTION 2708.** 115.43 (2) (b) of the statutes is amended to read:

18 115.43 (2) (b) From the appropriation under s. 20.255 (3) (fz), award precollege
19 scholarships, on a competitive basis, to ~~minority group~~ economically disadvantaged
20 pupils who enroll in a technical college or in college or university classes or programs
21 designed to improve academic skills that are essential for success in postsecondary
22 school education. The state superintendent shall give preference to ~~minority group~~
23 economically disadvantaged pupils who are inadequately represented in the
24 technical college and University of Wisconsin Systems.

25 **SECTION 2709.** 115.445 of the statutes is created to read:

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1 **115.445 Four-year-old kindergarten grants. (1)** A school board may
2 apply to the department for a 2-year grant under this section to implement a
3 4-year-old kindergarten program.

4 **(2)** (a) In the first school year of a grant awarded under this section, the
5 department shall pay the school board up to \$3,000 for each 4-year-old kindergarten
6 pupil enrolled in the school district. In the succeeding school year, the department
7 shall pay the school board up to \$1,500 for each 4-year-old kindergarten pupil
8 enrolled in the school district.

9 (b) The department shall award grants under this section beginning in the
10 2008–09 school year and shall give preference in awarding grants to school boards
11 that use community approaches to early education, as defined by the department by
12 rule. If the funds in the appropriation under s. 20.255 (2) (dp) are insufficient to pay
13 all eligible school boards, the department shall prorate the payments.

14 **(3)** The department shall promulgate rules to implement this section.

15 **SECTION 2710.** 115.455 of the statutes is created to read:

16 **115.455 Grants for world languages instruction. (1)** Beginning in
17 2008–09, the state superintendent shall award grants to school districts to promote
18 the teaching of world languages in grades 1 to 6. Grants awarded under this section
19 shall be paid from the appropriation under s. 20.255 (2) (ch) over a non renewable,
20 6-year term.

21 **(2)** The department shall promulgate rules to implement this section, which
22 rules shall include all of the following:

23 (a) A definition of world languages eligible for inclusion under this section.

24 (b) Criteria for selecting recipients of an award under this section. Selection
25 criteria shall include the quality of the application and the ability of the applicant

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1 to continue teaching world languages at the end of the 6-year term. The department
2 shall strive to distribute grants among urban, rural, and suburban school districts.

3 (c) The schedule of payments to be made pursuant to each award.

4 **(3)** A school board may apply to the department for a 6-year grant to add
5 instruction in world languages in grades 1 to 6. Except as provided in subs. (4) and
6 (5), the state superintendent shall award grants and each school board receiving an
7 award under this section shall use the grant moneys as follows:

8 (a) During the first year of the award, \$30,000 to assign one teacher to teach
9 a world language to first grade students.

10 (b) During the 2nd year of the award, \$30,000 to assign one teacher to teach
11 one or more world languages to 1st and 2nd grade students.

12 (c) During the 3rd year of the award, \$60,000 to assign 2 teachers to teach one
13 or more world languages to 1st, 2nd, and 3rd grade students.

14 (d) During the 4th year of the award, \$60,000 to assign 2 teachers to teach one
15 or more world languages to 1st to 4th grade students.

16 (e) During the 5th year of the award, \$30,000 to assign 2 teachers to teach one
17 or more world languages to 1st to 5th grade students.

18 (f) During the 6th year of the award, \$30,000 to assign 2 teachers to teach one
19 or more world languages to 1st to 6th grade students.

20 **(4)** In each year of the 6-year grant, each school board receiving an award
21 under this section shall use a portion of the grant moneys received to send the
22 following 3 teachers to twice-yearly professional development workshops offered by
23 the department:

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1 (a) One teacher who is funded by a grant awarded under this section and who
2 is teaching a world language in the grade level added, pursuant to the schedule under
3 sub. (3), in the year the workshop is offered.

4 (b) For the purpose of integrating a world language into their curricula, 2
5 teachers who do not teach a world language but who teach at the same grade level
6 as the teacher specified in par. (a).

7 (5) If the appropriation under s. 20.255 (2) (ch) in any fiscal year is insufficient
8 to fully fund the grants awarded under this section, the department shall prorate the
9 available moneys among the school districts receiving an award under this section.

10 **SECTION 2711.** 115.812 (1) of the statutes is amended to read:

11 115.812 (1) PLACEMENT DISPUTES. If a dispute arises between a local educational
12 agency and the department of ~~health and family services~~ children and families, the
13 department of corrections, or a county department under s. 46.215, 46.22, or 46.23,
14 or between local educational agencies under s. 115.81 (4) (c), over the placement of
15 a child, the state superintendent shall resolve the dispute. This subsection applies
16 only to placements in nonresidential educational programs made under s. 48.57 (1)
17 (c) and to placements in residential care centers made under s. 115.81.

18 **SECTION 2712.** 118.125 (2) (i) of the statutes is amended to read:

19 118.125 (2) (i) Upon request, the school district clerk or his or her designee shall
20 provide the names of pupils who have withdrawn from the public school prior to
21 graduation under s. 118.15 (1) (c) to the technical college district board in which the
22 public school is located or, for verification of eligibility for public assistance under ch.
23 49, to the department of health and family services, the department of ~~workforce~~
24 ~~development~~ children and families, or a county department under s. 46.215, 46.22,
25 or 46.23.

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1 **SECTION 2713.** 118.163 (2) (a) of the statutes is amended to read:

2 118.163 **(2)** (a) Suspension of the person's operating privilege for not less than
3 30 days nor more than one year. The court ~~shall immediately~~ may take possession
4 of any suspended license ~~and forward it.~~ If the court takes possession of a license,
5 it shall destroy the license. The court shall forward to the department of
6 transportation ~~together with~~ a notice stating the reason for and the duration of the
7 suspension.

8 **SECTION 2714.** 118.163 (2m) (a) of the statutes is amended to read:

9 118.163 **(2m)** (a) A county, city, village or town may enact an ordinance
10 permitting a court to suspend the operating privilege of a person who is at least 16
11 years of age but less than 18 years of age and is a dropout. The ordinance shall
12 provide that the court may suspend the person's operating privilege until the person
13 reaches the age of 18. The court ~~shall immediately~~ may take possession of any
14 suspended license ~~and forward it.~~ If the court takes possession of a license, it shall
15 destroy the license. The court shall forward to the department of transportation
16 ~~together with~~ a notice stating the reason for and the duration of the suspension.

17 **SECTION 2715.** 118.19 (1r) (a) of the statutes is amended to read:

18 118.19 **(1r)** (a) As provided in the memorandum of understanding under s.
19 49.857, the department of public instruction may not issue or renew a license or
20 permit or revalidate a license that has no expiration date unless the applicant
21 provides the department of public instruction with his or her social security number.
22 The department of public instruction may not disclose the social security number
23 except to the department of ~~workforce development~~ children and families for the sole
24 purpose of administering s. 49.22.

25 **SECTION 2716.** 118.19 (1r) (b) of the statutes is amended to read:

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1 118.19 (1r) (b) As provided in the memorandum of understanding under s.
2 49.857, the department may not issue or renew a license or permit or revalidate a
3 license that has no expiration date if the applicant, licensee or permit holder is
4 delinquent in making court–ordered payments of child or family support,
5 maintenance, birth expenses, medical expenses or other expenses related to the
6 support of a child or former spouse or if the applicant, licensee or permit holder fails
7 to comply, after appropriate notice, with a subpoena or warrant issued by the
8 department of ~~workforce development~~ children and families or a county child
9 support agency under s. 59.53 (5) and related to paternity or child support
10 proceedings.

11 **SECTION 2717.** 118.19 (10) (g) of the statutes is amended to read:

12 118.19 (10) (g) At the request under s. 49.22 (2m) of the department of
13 ~~workforce development~~ children and families or a county child support agency under
14 s. 59.53 (5), the state superintendent shall release the name and address of the
15 applicant or licensee, the name and address of the applicant’s or licensee’s employer
16 and financial information, if any, related to the applicant or licensee obtained under
17 this subsection to the department of ~~workforce development~~ children and families or
18 the county child support agency.

19 **SECTION 2718.** 118.245 of the statutes is repealed.

20 **SECTION 2719.** 118.33 (1) (a) 1. of the statutes is amended to read:

21 118.33 (1) (a) 1. In the high school grades, at least 4 credits of English including
22 writing composition, 3 credits of social studies including state and local government,
23 ~~2~~ 3 credits of mathematics, ~~2~~ 3 credits of science and 1.5 credits of physical education.

24 **SECTION 2720.** 118.40 (2r) (cg) of the statutes is created to read:

SENATE BILL 40**SECTION 2720**

1 118.40 (2r) (cg) The common council of the city of Milwaukee may establish or
2 contract for the establishment of only one residential charter school under this
3 subsection. If the common council does so, the school may not accommodate more
4 than 300 pupils and the pupils shall reside at the school for at least 9 months each
5 school year.

6 **SECTION 2721.** 118.40 (2r) (e) 3. of the statutes is created to read:

7 118.40 (2r) (e) 3. Notwithstanding subd. 1., if the common council of the city
8 of Milwaukee establishes or contracts for the establishment of a residential charter
9 school described under par. (cg), the department shall pay to the operator of the
10 charter school an amount equal to twice the amount calculated for the payment to
11 the charter school under subd. 1.

12 **SECTION 2722.** 118.43 (2) (bt) of the statutes is created to read:

13 118.43 (2) (bt) In the 2008–09 school year, the school board of an eligible school
14 district may enter into a 5–year achievement guarantee contract with the
15 department on behalf of one or more schools in the school district if the school board
16 is not receiving a grant under the preschool to grade 5 program on behalf of the
17 schools under s. 115.45. In awarding a contract under this paragraph, the
18 department shall give priority to schools that have the highest percentage of
19 low–income pupil enrollment.

20 **SECTION 2723.** 118.43 (2) (e) 1. of the statutes is amended to read:

21 118.43 (2) (e) 1. If the school board of an eligible school district does not enter
22 into an achievement guarantee contract with the department, a school board that
23 has entered into such a contract, other than the school board of the school district
24 operating under ch. 119, may apply to the department to enter into such a contract

SENATE BILL 40**SECTION 2723**

1 on behalf of one or more schools that meet the requirements under par. (b), (bg) or,
2 (br), or (bt).

3 **SECTION 2724.** 118.43 (2) (g) of the statutes is amended to read:

4 118.43 (2) (g) The department may renew an achievement guarantee contract
5 under pars. (b), (bg), ~~and (br)~~, and (bt) for one or more terms of 5 school years. As a
6 condition of receiving payments under a renewal of an achievement guarantee
7 contract, a school board shall maintain the reduction of class size achieved during
8 the last school year of the original achievement guarantee contract for the grades
9 specified for the last school year of the contract.

10 **SECTION 2725.** 118.43 (3) (intro.) of the statutes is amended to read:

11 118.43 (3) CONTRACT REQUIREMENTS. (intro.) ~~Except as provided in pars. (am)~~
12 ~~and (ar)~~, an An achievement guarantee contract shall require the school board to do
13 all of the following in each participating school:

14 **SECTION 2726.** 118.43 (3) (a) (intro.) of the statutes is amended to read:

15 118.43 (3) (a) *Class size.* (intro.) ~~Reduce~~ For contracts that begin in the
16 1996–97 school year, reduce each class size to 15 in the following manner:

17 **SECTION 2727.** 118.43 (3) (at) of the statutes is created to read:

18 118.43 (3) (at) *Class size; additional contracts.* For contracts that begin in the
19 2008–09 school year, reduce each class size to 15 in the following manner:

- 20 1. In the 2008–09 school year, in at least grades kindergarten and one.
21 2. In the 2009–10 school year, in at least grades kindergarten to 2.
22 3. In the 2010–11 to 2012–13 school years, in at least grades kindergarten to
23 3.

24 **SECTION 2728.** 118.43 (6) (b) 9. of the statutes is amended to read:

SENATE BILL 40**SECTION 2728**

1 118.43 **(6)** (b) 9. In the 2005–06 and 2006–07 school years, \$2,000 multiplied
2 by the number of low–income pupils enrolled in grades eligible for funding in each
3 school in the school district covered by renewals of contracts under sub. (2) (g); and
4 in the 2007–08 school year ~~and any subsequent school year~~, \$2,250 multiplied by the
5 number of low–income pupils enrolled in grades eligible for funding in each school
6 in the school district covered by renewals of contracts under sub. (2) (g).

7 **SECTION 2729.** 118.43 (6) (b) 10. of the statutes is created to read:

8 118.43 **(6)** (b) 10. In the 2008–09 school year, \$2,250 multiplied by the number
9 of low–income pupils enrolled in grades eligible for funding in each school in the
10 school district covered by contracts under sub. (3) (at) and by renewals of contracts
11 under sub. (2) (g).

12 **SECTION 2730.** 118.51 (14) (b) of the statutes is amended to read:

13 118.51 **(14)** (b) *Low–income assistance.* The parent of a pupil who is eligible for
14 a free or reduced–price lunch under 42 USC 1758 (b) and who will be attending public
15 school in a nonresident school district in the following school year under this section
16 may apply to the department, on the form prepared under sub. (15) (a), for the
17 reimbursement of costs incurred by the parent for the transportation of the pupil to
18 and from the pupil’s residence and the school that the pupil will be attending. The
19 department shall determine the reimbursement amount and shall pay the amount
20 from the appropriation under s. 20.255 (2) ~~(ey)~~ (vy). The reimbursement amount may
21 not exceed the actual transportation costs incurred by the parent or 3 times the
22 statewide average per pupil transportation costs, whichever is less. If the
23 appropriation under s. 20.255 (2) ~~(ey)~~ (vy) in any one year is insufficient to pay the
24 full amount of approved claims under this paragraph, payments shall be prorated
25 among the parents entitled thereto. By the 2nd Friday following the first Monday

SENATE BILL 40**SECTION 2730**

1 in May following receipt of the parent's application under sub. (3) (a), the department
2 shall provide to each parent requesting reimbursement under this paragraph an
3 estimate of the amount of reimbursement that the parent will receive if the pupil
4 attends public school in the nonresident school district in the following school year.

5 **SECTION 2731.** 118.52 (11) (b) of the statutes is amended to read:

6 118.52 (11) (b) *Low-income assistance.* The parent of a pupil who is attending
7 a course in a public school in a nonresident school district under this section may
8 apply to the department for reimbursement of the costs incurred by the parent for
9 the transportation of the pupil to and from the pupil's residence or school in which
10 the pupil is enrolled and the school at which the pupil is attending the course if the
11 pupil and parent are unable to pay the cost of such transportation. The department
12 shall determine the reimbursement amount and shall pay the amount from the
13 appropriation under s. 20.255 (2) ~~(ey)~~ (vy). The department shall give preference
14 under this paragraph to those pupils who are eligible for a free or reduced-price
15 lunch under 42 USC 1758 (b).

16 **SECTION 2732.** 118.55 (7g) of the statutes is amended to read:

17 118.55 (7g) **TRANSPORTATION.** The parent or guardian of a pupil who is
18 attending an institution of higher education or technical college under this section
19 and is taking a course for high school credit may apply to the state superintendent
20 for reimbursement of the cost of transporting the pupil between the high school in
21 which the pupil is enrolled and the institution of higher education or technical college
22 that the pupil is attending if the pupil and the pupil's parent or guardian are unable
23 to pay the cost of such transportation. The state superintendent shall determine the
24 reimbursement amount and shall pay the amount from the appropriation under s.
25 20.255 (2) ~~(ew)~~ (vw). The state superintendent shall give preference under this

SENATE BILL 40**SECTION 2732**

1 subsection to those pupils who are eligible for a free or reduced-price lunch under
2 42 USC 1758 (b).

3 **SECTION 2733.** 119.04 (1) of the statutes is amended to read:

4 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
5 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
6 115.345, 115.361, 115.38 (2), 115.445, 115.45, 115.455, 118.001 to 118.04, 118.045,
7 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,
8 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6)
9 and (8), ~~118.245~~, 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55,
10 120.12 (5) and (15) to (26), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),
11 (34), (35), (37), (37m), and (38), 120.14, and 120.25 are applicable to a 1st class city
12 school district and board.

13 **SECTION 2734.** 119.23 (2) (a) 8. of the statutes is created to read:

14 119.23 (2) (a) 8. Annually, the private school pays a nonrefundable fee to the
15 department. A private school that is not participating in the program under this
16 section in the current school year shall pay a fee, determined by the department by
17 rule, with its notice of intent to participate under subd. 3. A private school that is
18 required to comply with sub. (7) (am) shall pay a fee, determined by the department
19 by rule, with the information required by sub. (7) (am). The department shall use
20 all fees collected under this paragraph to evaluate the financial information
21 submitted under sub. (7) (am).

22 **SECTION 2735.** 119.23 (10) (a) 2. of the statutes is amended to read:

23 119.23 (10) (a) 2. Failed to provide the notice required under sub. (2) (a) 3., or
24 the information required under sub. (7) (am) or (d), or the fee required under sub. (2)
25 (a) 8. by the date or within the period specified.

SENATE BILL 40**SECTION 2736**

1 **SECTION 2736.** 120.125 (4) (h) of the statutes is amended to read:

2 120.125 (4) (h) That the day care provider shall meet the standards for licensed
3 day care centers established by the department of ~~health and family services~~
4 children and families.

5 **SECTION 2737.** 120.13 (2) (g) of the statutes is amended to read:

6 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
7 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
8 632.85, 632.853, 632.855, 632.87 (4), (5), and (6), 632.895 (9) to ~~(14)~~ (15), 632.896, and
9 767.513 (4).

10 **SECTION 2738.** 120.13 (14) of the statutes is amended to read:

11 120.13 (14) DAY CARE PROGRAMS. Establish and provide or contract for the
12 provision of day care programs for children. The school board may receive federal
13 or state funds for this purpose. The school board may charge a fee for all or part of
14 the cost of the service for participation in a day care program established under this
15 subsection. Costs associated with a day care program under this subsection may not
16 be included in shared costs under s. 121.07 (6). Day care programs established under
17 this subsection shall meet the standards for licensed day care centers established by
18 the department of ~~health and family services~~ children and families. If a school board
19 proposes to contract for or renew a contract for the provision of a day care program
20 under this subsection or if on July 1, 1996, a school board is a party to a contract for
21 the provision of a day care program under this subsection, the school board shall refer
22 the contractor or proposed contractor to the department of ~~health and family services~~
23 children and families for the criminal history and child abuse record search required
24 under s. 48.685. Each school board shall provide the department of health and family

SENATE BILL 40**SECTION 2738**

1 services with information about each person who is denied a contract for a reason
2 specified in s. 48.685 (4m) (a) 1. to 5.

3 **SECTION 2739.** 120.13 (18m) of the statutes is created to read:

4 120.13 **(18m)** WIND ELECTRICITY GENERATORS. Construct or acquire, borrow
5 funds to construct or acquire, operate, and maintain a wind electricity generation
6 facility, and use or sell the energy generated by the facility, if the school board's share
7 of the installed capacity of the facility does not exceed 5 megawatts and the school
8 board incorporates information about the facility in its curriculum.

9 **SECTION 2740.** 121.007 of the statutes is amended to read:

10 **121.007 Use of state aid; exemption from execution.** All moneys paid to
11 a school district under s. 20.255 (2) (ac), (bc), (cg), and ~~(er)~~ (vr), shall be used by the
12 school district solely for the purposes for which paid. Such moneys are exempt from
13 execution, attachment, garnishment, or other process in favor of creditors, except as
14 to claims for salaries or wages of teachers and other school employees and as to
15 claims for school materials, supplies, fuel, and current repairs.

16 **SECTION 2741.** 121.08 (4) (b) of the statutes is renumbered 121.08 (4) (b) (intro.)
17 and amended to read:

18 121.08 **(4)** (b) (intro.) The amount of state aid that the school district operating
19 under ch. 119 is eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall
20 also be reduced by 45% of the amounts paid under s. 119.23 (4) and (4m) in the
21 current school year. amount determined as follows:

22 **SECTION 2742.** 121.08 (4) (b) 1. of the statutes is created to read:

23 121.08 **(4)** (b) 1. Add the amounts paid under s. 119.23 (4) and (4m) in the
24 current school year.

25 **SECTION 2743.** 121.08 (4) (b) 2. of the statutes is created to read:

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1 121.08 (4) (b) 2. If the number of pupils attending private schools under s.
2 119.23 in the current school year is no more than 15,000, multiply the sum under
3 subd. 1. by 45 percent.

4 **SECTION 2744.** 121.08 (4) (b) 3. of the statutes is created to read:

5 121.08 (4) (b) 3. If the number of pupils attending private schools under s.
6 119.23 in the current school year is greater than 15,000, divide 15,000 by the number
7 of pupils attending private schools under s. 119.23 in the current school year,
8 multiply the quotient by the sum under subd. 1., and multiply the result by 45
9 percent.

10 **SECTION 2745.** 121.41 of the statutes is renumbered 121.41 (1).

11 **SECTION 2746.** 121.41 (2) of the statutes is created to read:

12 121.41 (2) (a) In this subsection, “eligible pupil” means a pupil who satisfied
13 all of the following criteria in the previous school year:

14 1. The pupil met the income eligibility standard for a free or reduced–price
15 lunch in the federal school lunch program under 42 USC 1758 (b).

16 2. The pupil enrolled in and successfully completed a driver education program
17 offered by the school district and approved by the department.

18 (b) Annually, beginning in the 2007–08 school year, the school board of the
19 school district operating under ch. 119 shall reduce the fee for driver education by
20 \$150 for each pupil who meets the income eligibility standard for a free or
21 reduced–price lunch in the federal school lunch program under 42 USC 1758 (b) and
22 who enrolls in a driver education program offered by the school district and approved
23 by the department.

SENATE BILL 40**SECTION 2746**

1 (c) From the appropriation under s. 20.255 (2) (qm), beginning in the 2008–09
2 school year and annually thereafter, the department shall pay to the school district
3 operating under ch. 119 an amount determined as follows:

4 1. Divide the amount appropriated under s. 20.255 (2) (qm) by the number of
5 eligible pupils.

6 2. Multiply the number of eligible pupils by the quotient under subd. 1. or by
7 \$150, whichever is less.

8 **SECTION 2747.** 121.575 (3) of the statutes is amended to read:

9 121.575 (3) If the federal government requires, as a condition of full federal
10 financial participation under sub. (2) (b), that this state provide assistance for the
11 purposes of sub. (2) (a) from state resources, the department shall provide the
12 assistance from the appropriation under s. 20.255 (2) (~~cr~~) (vr) in the minimum
13 amount required to obtain full federal financial participation.

14 **SECTION 2748.** 121.58 (2) (a) 4. of the statutes is amended to read:

15 121.58 (2) (a) 4. For each pupil so transported whose residence is more than
16 12 miles from the school attended, \$150 \$180 per school year in the ~~2005–06~~ 2006–07
17 school year and \$180 \$220 per school year thereafter.

18 **SECTION 2749.** 121.58 (6) of the statutes is amended to read:

19 121.58 (6) APPROPRIATION PRORATED. If the appropriation under s. 20.255 (2) (~~cr~~)
20 (vr) in any one year is insufficient to pay the full amount of approved claims under
21 this section, state aid payments for school districts not participating in the program
22 under s.121.575 shall be prorated as though the minimum amount under s. 121.575
23 (3) had not been made and state aid payments for school districts participating in the
24 program under s. 121.575 shall be prorated after deducting the minimum amount
25 under s. 121.575 (3).

SENATE BILL 40**SECTION 2750**

1 **SECTION 2750.** 121.905 (1) of the statutes is amended to read:

2 121.905 (1) In this section, “revenue ceiling” means ~~\$8,100~~ \$8,700 in the
3 ~~2005–06~~ 2007–08 school year and ~~\$8,400~~ \$9,000 in any subsequent school year.

4 **SECTION 2751.** 121.91 (2m) (e) (intro.) of the statutes is amended to read:

5 121.91 (2m) (e) (intro.) Except as provided in subs. (3) ~~and~~, (4), ~~and~~ (8), no
6 school district may increase its revenues for the 1999–2000 school year or for any
7 school year thereafter to an amount that exceeds the amount calculated as follows:

8 **SECTION 2752.** 121.91 (4) (f) 1. of the statutes is amended to read:

9 121.91 (4) (f) 1. Except as provided in subd. 1m., for the ~~1999–2000~~ 2007–08
10 school year or any school year thereafter, if the average of the number of pupils
11 enrolled in the current and the 2 preceding school years is less than the average of
12 the number of pupils enrolled in the 3 previous school years, the limit otherwise
13 applicable under sub. (2m) (e) is increased by the additional amount that would have
14 been calculated had the there been no decline in average enrollment ~~been 25% of~~
15 ~~what it was.~~

16 **SECTION 2753.** 121.91 (4) (f) 1m. b. of the statutes is amended to read:

17 121.91 (4) (f) 1m. b. For the school year beginning on the first July 1 following
18 the effective date of the school district reorganization, if the number of pupils
19 enrolled in that school year is less than the number of pupils enrolled in the previous
20 school year, the limit otherwise applicable under sub. (2m) (e) is increased by the
21 additional amount that would have been calculated had the there been no decline in
22 enrollment ~~been 25 percent of what it was.~~

23 **SECTION 2754.** 121.91 (4) (f) 1m. c. of the statutes is amended to read:

24 121.91 (4) (f) 1m. c. For the school year beginning on the 2nd July 1 following
25 the effective date of the school district reorganization, if the average of the number

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1 of pupils enrolled in that school year and the previous school year is less than the
2 average of the number of pupils enrolled in the 2 previous school years, the limit
3 otherwise applicable under sub. (2m) (e) is increased by the additional amount that
4 would have been calculated had ~~the~~ there been no decline in average enrollment ~~been~~
5 ~~25 percent of what it was.~~

6 **SECTION 2755.** 121.91 (4) (L) of the statutes is created to read:

7 121.91 (4) (L) 1. In this paragraph, “local law enforcement agency” means a
8 governmental unit of one or more persons employed full time by a city, town, village
9 or county in the state for the purpose of preventing and detecting crime and enforcing
10 state laws or local ordinances, employees of which unit are authorized to make
11 arrests for crimes while acting within the scope of their authority.

12 2. The limit otherwise applicable to a school district under sub. (2m) in any
13 school year is increased by \$25,000 for the first one to 500 pupils enrolled in the
14 district in grades 9 to 12 and by an additional \$25,000 for each additional 500 pupils
15 enrolled in the district in grades 9 to 12, if the school board and a local law
16 enforcement agency jointly develop a school safety plan that covers each school in the
17 school district that operates grades 9 to 12 and the school board submits the school
18 safety plan to the state superintendent no later than November 1 of the first school
19 year in which the revenue limit is increased under this paragraph.

20 3. A school district may use the excess revenue allowed under subd. 2. to do any
21 of the following:

22 a. Cover up to \$25,000 of the compensation costs associated with providing in
23 the school district one security officer for the first one to 500 pupils enrolled in the
24 district in grades 9 to 12, and up to \$25,000 of the compensation costs for providing
25 in the school district one additional security officer for each additional 500 pupils

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1 enrolled in the district in grades 9 to 12. The school board shall enter into an
2 agreement with the local law enforcement agency described in subd. 2. that requires
3 the school district and the local law enforcement agency to equally share the costs
4 of compensating the security officers.

5 b. Purchase safety equipment specified by the state superintendent by rule as
6 eligible for the revenue limit adjustment under subd. 2.

7 **SECTION 2756.** 121.91 (4) (m) of the statutes is created to read:

8 121.91 (4) (m) If a school district incurs expenses in a school year related to
9 teacher mentoring activities required by the department by rule for persons licensed
10 as initial educators under PI 34.17, Wis. Adm. Code, the limit otherwise applicable
11 to the school district under sub. (2m) in that school year is increased by the amount
12 of the mentoring activities expenses incurred per initial educator, but no more than
13 \$2,160 per initial educator, less any amount received by the school district for that
14 initial educator for that school year under s. 115.405 (2m).

15 **SECTION 2757.** 121.91 (8) of the statutes is created to read:

16 121.91 (8) If a school district's initial revenue limit for the current school year,
17 as calculated under s. 121.905 or sub. (2m) (e), whichever is appropriate, before
18 making any adjustments under sub. (3) or (4), is less than the amount determined
19 by multiplying the amount under sub. (2m) (e) 1. by the average of the number of
20 pupils enrolled in the 3 preceding school years, the school district's initial revenue
21 limit for the current school year, before making any adjustments under sub. (3) or (4),
22 is the amount determined by multiplying the amount under sub. (2m) (e) 1. by the
23 average of the number of pupils enrolled in the 3 preceding school years.

24 **SECTION 2758.** 125.07 (4) (cm) of the statutes is amended to read:

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1 125.07 **(4)** (cm) When a court revokes or suspends a person’s operating privilege
2 under par. (bs) or (c), the department of transportation may not disclose information
3 concerning or relating to the revocation or suspension to any person other than a
4 court, district attorney, county corporation counsel, city, village or town attorney, law
5 enforcement agency, driver licensing agency of another jurisdiction, or the person
6 whose operating privilege is revoked or suspended. A person entitled to receive
7 information under this paragraph may not disclose the information to any other
8 person or agency.

9 **SECTION 2759.** 125.085 (3) (bp) of the statutes is amended to read:

10 125.085 **(3)** (bp) When a court suspends a person’s operating privilege under
11 par. (bd), the department of transportation may not disclose information concerning
12 or relating to the suspension to any person other than a court, district attorney,
13 county corporation counsel, city, village or town attorney, law enforcement agency,
14 driver licensing agency of another jurisdiction, or the person whose operating
15 privilege is suspended. A person entitled to receive information under this
16 paragraph may not disclose the information to any other person or agency.

17 **SECTION 2760.** 134.43 (3m) of the statutes is amended to read:

18 134.43 **(3m)** Subsections (2) (b), (2m) and (3) do not apply to information
19 regarding the name, address or employer of or financial information related to a
20 subscriber or member of a subscriber’s household that is requested under s. 49.22
21 (2m) by the department of ~~workforce development~~ children and families or a county
22 child support agency under s. 59.53 (5).

23 **SECTION 2761.** 134.65 (1) of the statutes is amended to read:

24 134.65 **(1)** No person shall in any manner, or upon any pretense, or by any
25 device, directly or indirectly sell, expose for sale, possess with intent to sell,

SENATE BILL 40**SECTION 2761**

1 exchange, barter, dispose of or give away any cigarettes or tobacco products to any
2 person not holding a license as herein provided or a permit under ss. 139.30 to 139.41
3 or, 139.79, or 139.795 without first obtaining a license from the clerk of the city,
4 village, or town wherein such privilege is sought to be exercised. This subsection
5 does not apply to a person who holds a valid permit under s. 139.345 or 139.795 and
6 who sells cigarettes or tobacco products solely as a direct marketer.

7 **SECTION 2762.** 134.65 (1n) of the statutes is created to read:

8 134.65 (1n) (a) The department of revenue shall prepare an application form
9 for licenses issued under this section. In addition to the information required under
10 sub. (1m), the form shall require all of the following information:

11 1. The applicant's history relevant to the applicant's fitness to hold a license
12 under this section.

13 2. The kind of license for which the applicant is applying.

14 3. The premises where cigarettes or tobacco products will be sold or stored.

15 4. If the applicant is a corporation, the identity of the corporate officers and
16 agent.

17 5. If the applicant is a limited liability company, the identity of the company
18 members or managers and agent.

19 6. The applicant's trade name, if any.

20 7. Any other information required by the department.

21 (b) The department of revenue shall provide one copy of the application form
22 prepared under this subsection to each city, village, and town.

23 (c) Each applicant for a license under this section shall use the application form
24 prepared under this subsection.

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1 (d) 1. Each application for a license under this section shall be sworn to by the
2 applicant and the applicant shall submit the application with the clerk of the city,
3 village, or town where the intended place of sale is located.

4 2. Within 10 days of any change in any fact set forth in an application, the
5 applicant or license holder shall file a written description of the change with the clerk
6 of the city, village, or town where the application was submitted.

7 3. Any person may inspect applications submitted under this paragraph. The
8 clerk of each city, village, or town where such applications are submitted shall retain
9 all applications submitted under this paragraph, but may destroy all applications
10 that have been retained for 4 years or longer.

11 **SECTION 2763.** 134.65 (1r) of the statutes is created to read:

12 134.65 (1r) (a) Subject to ss. 111.321, 111.322, and 111.335, no license under
13 sub. (1) may be issued to any person to whom any of the following applies:

14 1. The person has an arrest record or a conviction record.

15 2. The person has been convicted of a felony, or as a repeat or habitual offender,
16 unless pardoned.

17 3. The person has not submitted proof as provided under s. 77.61 (11).

18 4. The person is not 18 years of age or older.

19 (b) The requirements under par. (a) apply to all partners of a partnership, all
20 members of limited liability company, all agents of a limited liability company or
21 corporation, and all officers of a corporation. Subject to ss. 111.321, 111.322, and
22 111.335, if a business entity has been convicted of a crime, the entity may not be
23 issued a license under sub. (1) unless the entity has terminated its relationship with
24 the individuals whose actions directly contributed to the conviction.

25 **SECTION 2764.** 134.65 (2) (a) of the statutes is amended to read:

SENATE BILL 40**SECTION 2764**

1 134.65 (2) (a) ~~Except~~ Subject to sub. (1r), and except as provided in par. (b),
2 upon filing of a proper written application a license shall be issued on July 1 of each
3 year or when applied for and continue in force until the following June 30 unless
4 sooner revoked. The city, village or town may charge a fee for the license of not less
5 than \$5 nor more than \$100 per year which shall be paid to the city, village or town
6 treasurer before the license is issued.

7 **SECTION 2765.** 134.65 (5) of the statutes is renumbered 134.65 (5) (a) and
8 amended to read:

9 134.65 (5) (a) ~~Any~~ Except as provided in par. (b), any person violating this
10 section shall be fined not more than \$100 \$1,000 nor less than \$25 \$500 for the first
11 offense and shall be fined not more than \$200 \$5,000 nor less than \$25 \$1,000 or
12 imprisoned for not more than 180 days or both for the 2nd or subsequent offense. If
13 ~~upon such 2nd or subsequent violation, the person so violating this section was~~
14 ~~personally guilty of a failure to exercise due care to prevent violation thereof, the~~
15 ~~person shall be fined not more than \$300 nor less than \$25 or imprisoned not~~
16 ~~exceeding 60 days or both.~~ Conviction Upon conviction of a 2nd or subsequent
17 offense, the court shall immediately terminate the license of the person convicted of
18 ~~being personally guilty of such failure to exercise due care and the person shall not~~
19 be entitled to another license hereunder for a period of 5 years thereafter, nor shall
20 the person in that period act as the servant or agent of a person licensed hereunder
21 for the performance of the acts authorized by such license.

22 **SECTION 2766.** 134.65 (5) (b) of the statutes is created to read:

23 134.65 (5) (b) No penalty shall be imposed under par. (a) if any of the following
24 apply:

SENATE BILL 40**SECTION 2766**

1 1. The secretary of revenue determines that imposing a penalty would be
2 inequitable because of inadvertent acts, mistakes, or unusual circumstances related
3 to the violation.

4 2. The person who is subject to a penalty under par. (a) had good cause to violate
5 this section, and such violation did not result from the person's neglect.

6 **SECTION 2767.** 134.66 (2) (d) of the statutes is created to read:

7 134.66 (2) (d) No retailer, direct marketer, manufacturer, distributor, jobber or
8 subjobber, no agent, employee or independent contractor of a retailer, direct
9 marketer, manufacturer, distributor, jobber or subjobber, and no agent or employee
10 of an independent contractor may provide cigarettes or tobacco products for nominal
11 or no consideration to any person under the age of 18.

12 **SECTION 2768.** 134.66 (3m) of the statutes is created to read:

13 134.66 (3m) DEFENSE OF DIRECT MARKETER. Proof of all of the following facts by
14 a direct marketer who sells cigarettes or tobacco products to a person under the age
15 of 18 is a defense to any prosecution for a violation under sub. (2) (a):

16 (a) That the direct marketer used a mechanism, approved by the department
17 of revenue, for verifying the age of the purchaser.

18 (b) That the purchaser falsely represented that he or she had attained the age
19 of 18 and presented a copy or facsimile of an identification card.

20 (c) That the name and birthdate of the purchaser, as indicated by the purchaser,
21 matched the name and birthdate on the identification presented under par. (b).

22 (d) That the sale was made in good faith, in reasonable reliance on the
23 mechanism described in par. (a) and the representation and identification under
24 pars. (b) and (c), and in the belief that the purchaser had attained the age of 18.

25 **SECTION 2769.** 138.09 (1m) (b) 2. b. of the statutes is amended to read:

SENATE BILL 40**SECTION 2769**

1 138.09 (1m) (b) 2. b. The division may disclose information under subd. 1. a.
2 to the department of ~~workforce development~~ children and families in accordance
3 with a memorandum of understanding under s. 49.857.

4 **SECTION 2770.** 138.09 (1m) (c) 1. of the statutes is amended to read:

5 138.09 (1m) (c) 1. If an applicant who is an individual does not have a social
6 security number, the applicant, as a condition of applying for or applying to renew
7 a license, shall submit a statement made or subscribed under oath or affirmation to
8 the division that the applicant does not have a social security number. The form of
9 the statement shall be prescribed by the department of ~~workforce development~~
10 children and families.

11 **SECTION 2771.** 138.09 (3) (am) 3. of the statutes is amended to read:

12 138.09 (3) (am) 3. The applicant fails to comply, after appropriate notice, with
13 a subpoena or warrant issued by the department of ~~workforce development~~ children
14 and families or a county child support agency under s. 59.53 (5) and related to
15 paternity or child support proceedings.

16 **SECTION 2772.** 138.09 (4) (b) of the statutes is amended to read:

17 138.09 (4) (b) The division shall restrict or suspend a license under this section
18 if, in the case of a licensee who is an individual, the licensee fails to comply, after
19 appropriate notice, with a subpoena or warrant issued by the department of
20 ~~workforce development~~ children and families or a county child support agency under
21 s. 59.53 (5) and related to paternity or child support proceedings or is delinquent in
22 making court-ordered payments of child or family support, maintenance, birth
23 expenses, medical expenses or other expenses related to the support of a child or
24 former spouse, as provided in a memorandum of understanding entered into under
25 s. 49.857. A licensee whose license is restricted or suspended under this paragraph

SENATE BILL 40**SECTION 2772**

1 is entitled to a notice and hearing only as provided in a memorandum of
2 understanding entered into under s. 49.857 and is not entitled to a hearing under
3 par. (a).

4 **SECTION 2773.** 138.12 (3) (d) 2. b. of the statutes is amended to read:

5 138.12 (3) (d) 2. b. The division may disclose information under subd. 1. a. to
6 the department of ~~workforce development~~ children and families in accordance with
7 a memorandum of understanding under s. 49.857.

8 **SECTION 2774.** 138.12 (3) (e) 1. of the statutes is amended to read:

9 138.12 (3) (e) 1. If an applicant who is an individual does not have a social
10 security number, the applicant, as a condition of applying for or applying to renew
11 a license under this section, shall submit a statement made or subscribed under oath
12 or affirmation to the division that the applicant does not have a social security
13 number. The form of the statement shall be prescribed by the department of
14 ~~workforce development~~ children and families.

15 **SECTION 2775.** 138.12 (4) (b) 6. of the statutes is amended to read:

16 138.12 (4) (b) 6. If an individual, has not failed to comply, after appropriate
17 notice, with a subpoena or warrant issued by the department of ~~workforce~~
18 ~~development~~ children and families or a county child support agency under s. 59.53
19 (5) and related to paternity or child support proceedings and is not delinquent in
20 making court-ordered payments of child or family support, maintenance, birth
21 expenses, medical expenses or other expenses related to the support of a child or
22 former spouse, as provided in a memorandum of understanding entered into under
23 s. 49.857.

24 **SECTION 2776.** 138.12 (5) (am) 1. c. of the statutes is amended to read:

SENATE BILL 40**SECTION 2776**

1 138.12 (5) (am) 1. c. In the case of a licensee who is an individual, the applicant
2 fails to comply, after appropriate notice, with a subpoena or warrant that is issued
3 by the department of ~~workforce development~~ children and families or a county child
4 support agency under s. 59.53 (5) and that is related to paternity or child support
5 proceedings or the applicant is delinquent in making court-ordered payments of
6 child or family support, maintenance, birth expenses, medical expenses or other
7 expenses related to the support of a child or former spouse, as provided in a
8 memorandum of understanding entered into under s. 49.857. An applicant whose
9 renewal application is denied under this subd. 1. c. is entitled to a notice and hearing
10 under s. 49.857 but is not entitled to a hearing under par. (b).

11 **SECTION 2777.** 138.12 (5) (am) 2. of the statutes is amended to read:

12 138.12 (5) (am) 2. The division shall restrict or suspend the license of any
13 insurance premium finance company if the division finds that, in the case of a
14 licensee who is an individual, the licensee fails to comply, after appropriate notice,
15 with a subpoena or warrant that is issued by the department of ~~workforce~~
16 ~~development~~ children and families or a county child support agency under s. 59.53
17 (5) and that is related to paternity or child support proceedings or the licensee is
18 delinquent in making court-ordered payments of child or family support,
19 maintenance, birth expenses, medical expenses or other expenses related to the
20 support of a child or former spouse, as provided in a memorandum of understanding
21 entered into under s. 49.857. A licensee whose license is restricted or suspended
22 under this subdivision is entitled to a notice and hearing under s. 49.857 but is not
23 entitled to a hearing under par. (b).

24 **SECTION 2778.** 139.30 (4n) of the statutes is repealed and recreated to read:

25 139.30 (4n) “Identification card” has the meaning given in s. 134.66 (1) (c).

SENATE BILL 40**SECTION 2779**

1 **SECTION 2779.** 139.30 (7) of the statutes is amended to read:

2 139.30 (7) “Manufacturer” means any person who directly manufactures
3 cigarettes for the purpose of sale, including the authorized agent of a person who
4 directly manufactures cigarettes for the purpose of sale.

5 **SECTION 2780.** 139.30 (8s) of the statutes is created to read:

6 139.30 (8s) “Person” means any individual, sole proprietorship, partnership,
7 limited liability company, corporation, or association, or any owner of a single-owner
8 entity that is disregarded as a separate entity under ch. 71.

9 **SECTION 2781.** 139.31 (1) (a) of the statutes is amended to read:

10 139.31 (1) (a) On cigarettes weighing not more than 3 pounds per thousand,
11 ~~38.5~~ 101 mills on each cigarette.

12 **SECTION 2782.** 139.31 (1) (b) of the statutes is amended to read:

13 139.31 (1) (b) On cigarettes weighing more than 3 pounds per thousand, ~~77~~ 202
14 mills on each cigarette.

15 **SECTION 2783.** 139.315 (1) of the statutes is amended to read:

16 139.315 (1) **INVENTORY TAX IMPOSED.** On the effective date of any increase in the
17 sum of the rates under s. 139.31 (1) (a) and (c) or in the sum of the rates under s.
18 139.31 (1) (b) and (d), an inventory tax is imposed upon cigarettes held in inventory
19 for sale or resale on which the cigarette tax has been paid at the prior rate and upon
20 unaffixed stamps in the possession of distributors. Any person who is in possession
21 of any such cigarettes or unaffixed stamps shall pay the tax imposed under this
22 section. Any person liable for this tax shall determine the number of cigarettes and
23 unaffixed stamps in the person’s possession on the effective date of the increase, and
24 by the ~~15th~~ 30th day after the effective date of the increase the person shall file a
25 return and shall by that date pay the tax due.

SENATE BILL 40**SECTION 2784**

1 **SECTION 2784.** 139.32 (4) of the statutes is amended to read:

2 139.32 (4) In lieu of stamps the secretary may authorize impressions applied
3 by the use of ~~meter~~ machines. The secretary shall prescribe by rule the type of
4 impression and the kind of machines which may be used.

5 **SECTION 2785.** 139.32 (5) of the statutes is amended to read:

6 139.32 (5) Manufacturers, bonded direct marketers, and distributors who are
7 authorized by the department to purchase tax stamps shall receive a discount of ~~1.6%~~
8 0.7 percent of the tax paid on stamp purchases.

9 **SECTION 2786.** 139.321 (1) (intro.) of the statutes is amended to read:

10 139.321 (1) (intro.) It is unlawful for any person to purchase or possess
11 cigarettes unless the required stamps are properly affixed as provided in ss. 139.32
12 (1) and 139.33 (4).

13 **SECTION 2787.** 139.321 (1) (a) 1. of the statutes is amended to read:

14 139.321 (1) (a) 1. Manufacturers, bonded direct marketers, distributors or
15 warehouse operators possessing valid permits issued by the secretary.

16 **SECTION 2788.** 139.34 (1) (a) of the statutes is amended to read:

17 139.34 (1) (a) No person may manufacture cigarettes in this state or sell
18 cigarettes in this state as a distributor, manufacturer, jobber, vending machine
19 operator, direct marketer, or multiple retailer and no person may operate a
20 warehouse in this state for the storage of cigarettes for another person without first
21 filing an application for and obtaining the proper permit to perform such operations
22 from the department.

23 **SECTION 2789.** 139.34 (1) (b) of the statutes is repealed.

24 **SECTION 2790.** 139.34 (1) (c) 1. of the statutes is repealed.

25 **SECTION 2791.** 139.34 (1) (c) 1m. of the statutes is created to read:

SENATE BILL 40**SECTION 2791**

1 139.34 (1) (c) 1m. The person has an arrest record or a conviction record.

2 **SECTION 2792.** 139.34 (1) (c) 2. of the statutes is amended to read:

3 139.34 (1) (c) 2. The person has been convicted of a felony, or as a repeat or
4 habitual offender, unless pardoned.

5 **SECTION 2793.** 139.34 (1) (c) 3. of the statutes is repealed.

6 **SECTION 2794.** 139.34 (1) (c) 4. of the statutes is repealed.

7 **SECTION 2795.** 139.34 (1) (c) 4m. of the statutes is created to read:

8 139.34 (1) (c) 4m. The person is not 18 years of age or older.

9 **SECTION 2796.** 139.34 (1) (c) 5. of the statutes is repealed.

10 **SECTION 2797.** 139.34 (1) (c) 6. of the statutes is repealed.

11 **SECTION 2798.** 139.34 (1) (c) 7. of the statutes is renumbered 139.34 (1) (c) 5m.

12 **SECTION 2799.** 139.34 (1) (cm) of the statutes is created to read:

13 139.34 (1) (cm) The requirements under par. (c) apply to all partners of a
14 partnership, all members of a limited liability company, all agents of a limited
15 liability company or corporation, and all officers of a corporation.

16 **SECTION 2800.** 139.34 (4) of the statutes is amended to read:

17 139.34 (4) A separate permit shall be required of and issued to each class of
18 permittee and the holder of any permit shall perform only the operations thereby
19 authorized. Such permit shall not be transferable from one person to another or from
20 one premises to another. A separate permit shall be required for each place where
21 cigarettes are stamped or where cigarettes are stored for sale at wholesale or,
22 through vending machines or multiple retail outlets, or by direct marketing.

23 **SECTION 2801.** 139.34 (6) of the statutes is amended to read:

24 139.34 (6) A vending machine operator or a multiple retailer may acquire
25 unstamped cigarettes from the manufacturers thereof and affix the stamps to

SENATE BILL 40**SECTION 2801**

1 packages or other containers only if the vending machine operator or multiple
2 retailer also holds a permit as a distributor or bonded direct marketer.

3 **SECTION 2802.** 139.34 (8) of the statutes is amended to read:

4 139.34 (8) The holder of a warehouse permit is entitled to store cigarettes on
5 the premises described in the permit. The warehouse permit shall not authorize the
6 holder to sell cigarettes. Unstamped cigarettes stored in a warehouse for a
7 manufacturer, bonded direct marketer, or distributor may be delivered only to a
8 person holding a permit as a manufacturer ~~or~~ distributor, or bonded direct marketer
9 who is authorized by the department to purchase and affix tax stamps.

10 **SECTION 2803.** 139.345 (1) (a) of the statutes is amended to read:

11 139.345 (1) (a) No person may sell cigarettes to consumers in this state as a
12 direct marketer or solicit sales of cigarettes to consumers in this state by direct
13 marketing unless the person submits to has obtained a permit from the department
14 the person's name, trade name, address of the person's principal place of business,
15 phone number, e-mail address, and Web site address to make such sales or
16 solicitations. The person shall file an application for a permit under this subsection
17 with the department, in the manner prescribed by the department.

18 **SECTION 2804.** 139.345 (1) (b) of the statutes is amended to read:

19 139.345 (1) (b) ~~No person may sell cigarettes as described under this section~~
20 The department may not issue a permit to a person under par. (a) unless the person
21 certifies to the department, in the manner prescribed by the department, that the
22 person shall acquire stamped cigarettes from a licensed distributor or unstamped
23 cigarettes from the manufacturer thereof, pay the tax imposed under this subchapter
24 on all unstamped cigarettes and affix stamps to the cigarette packages or containers
25 as provided under s. 139.32 (1), store such packages or containers, and sell only such

SENATE BILL 40**SECTION 2804**

1 packages or containers to consumers in this state by direct marketing; or acquire
2 cigarettes from a distributor, to the packages or containers of which stamps have
3 been affixed as provided under s. 139.32 (1), and sell only such packages or
4 containers to consumers in this state by direct marketing.

5 **SECTION 2805.** 139.345 (1) (d) of the statutes is amended to read:

6 139.345 (1) (d) ~~No person may sell cigarettes as described in this section~~ The
7 department may not issue a permit to a person under par. (a) unless the person
8 certifies to the department, in the manner prescribed by the department, that the
9 person shall register with credit card and debit card companies; that the invoices and
10 all means of solicitation for all shipments of cigarette sales from the person shall bear
11 the person's name and address and the permit number of the permit ultimately
12 issued under this subsection; and that the person shall provide the department any
13 information the department considers necessary to administer this section.

14 **SECTION 2806.** 139.345 (3) (intro.) of the statutes is amended to read:

15 139.345 (3) (intro.) No person may sell cigarettes to consumers a consumer in
16 this state unless the person does all of the following:

17 **SECTION 2807.** 139.345 (3) (a) (intro.) of the statutes is amended to read:

18 139.345 (3) (a) (intro.) Verifies the consumer's name identity and address and
19 that the consumer is at least 18 years of age by any of the following methods:

20 **SECTION 2808.** 139.345 (3) (a) 2. of the statutes is amended to read:

21 139.345 (3) (a) 2. The person receives from the consumer, at the time of
22 purchase, a copy of ~~a government issued~~ an identification card and verifies that the
23 name specified on the identification card matches the name of the consumer and that
24 the birth date on the identification card indicates that the consumer is at least 18
25 years of age.

SENATE BILL 40**SECTION 2809**

1 **SECTION 2809.** 139.345 (7) (a) of the statutes is amended to read:

2 139.345 (7) (a) No person may deliver a package of cigarettes sold by direct
3 marketing to a consumer in this state unless the person making the delivery receives
4 ~~a government issued~~ an identification card from the person receiving the package
5 and verifies that the person receiving the package is at least 18 years of age. If the
6 person receiving the package is not the person to whom the package is addressed, the
7 person delivering the package shall have the person receiving the package sign a
8 statement that affirms that the person to whom the package is addressed is at least
9 18 years of age.

10 **SECTION 2810.** 139.345 (8) of the statutes is created to read:

11 139.345 (8) (a) No person may sell cigarettes to consumers in this state by direct
12 marketing unless the tax imposed under s. 139.31 (1) is paid on the cigarettes and
13 stamps are affixed to the cigarette packages or containers as provided under s.
14 139.32.

15 (b) No person may sell cigarettes to consumers in this state by direct marketing
16 unless the cigarette brands are approved by the department and listed in the
17 directory of certified tobacco product manufacturers and brands as provided under
18 s. 995.12 (2) (b).

19 **SECTION 2811.** 139.345 (9) of the statutes is created to read:

20 139.345 (9) Except as provided in sub. (12), any person who, without having
21 a valid permit under sub. (1), sells or solicits sales of cigarettes to consumers in this
22 state by direct marketing shall pay a penalty to the department of \$5,000 or an
23 amount that is equal to \$50 for every 200 cigarettes, or fraction of 200 cigarettes, sold
24 to consumers in this state by direct marketing, whichever is greater.

25 **SECTION 2812.** 139.345 (10) of the statutes is created to read:

SENATE BILL 40**SECTION 2812**

1 139.345 (10) (a) No sale of cigarettes to a consumer in this state by direct
2 marketing may exceed 10 cartons for each invoice or 20 cartons in a 30-day period
3 for each purchaser or address.

4 (b) Except as provided in sub. (12), any person who sells cigarettes in an amount
5 that exceeds the amounts allowed under par. (a) shall pay a penalty to the
6 department of \$5,000 or an amount that is equal to \$50 for every 200 cigarettes, or
7 fraction of 200 cigarettes, sold in excess of the amounts allowed under par. (a),
8 whichever is greater.

9 (c) Except as provided in sub. (12), any person who purchases cigarettes in an
10 amount that exceeds the amounts allowed under par. (a) shall apply for a permit
11 under s. 139.34 and shall pay a penalty to the department of \$25 for every 200
12 cigarettes, or fraction of 200 cigarettes, purchased in excess of the amounts allowed
13 under par. (a).

14 **SECTION 2813.** 139.345 (11) of the statutes is created to read:

15 139.345 (11) (a) Any nonresident or foreign direct marketer that has not
16 registered to do business in this state as a foreign corporation or business entity
17 shall, as a condition precedent to obtaining a permit under s. 139.34 (1), appoint and
18 continually engage the services of an agent in this state to act as agent for the service
19 of process on whom all processes, and any action or proceeding against it concerning
20 or arising out of the enforcement of this chapter, may be served in any manner
21 authorized by law. That service shall constitute legal and valid service of process on
22 the direct marketer. The direct marketer shall provide the name, address, phone
23 number, and proof of the appointment and availability of the agent to the
24 department.

SENATE BILL 40**SECTION 2813**

1 (b) A direct marketer described under par. (a) shall provide notice to the
2 department no later than 30 calendar days before termination of the authority of an
3 agent under par. (a) and shall provide proof to the satisfaction of the department of
4 the appointment of a new agent no later than 5 calendar days before the termination
5 of an existing appointment. In the event an agent terminates an appointment, the
6 direct marketer shall notify the department of that termination no later than 5
7 calendar days after the termination and shall include proof to the satisfaction of the
8 department of the appointment of a new agent.

9 (c) The secretary of state is the agent in this state for the service of process of
10 any direct marketer who has not appointed and engaged an agent as provided under
11 par. (a), except that the secretary of state acting as the direct marketer's agent for
12 the service of process does not satisfy the requirements imposed by par. (a).

13 **SECTION 2814.** 139.345 (12) of the statutes is created to read:

14 139.345 (12) No penalty shall be imposed under subs. (9) and (10) if any of the
15 following apply:

16 (a) The secretary of revenue determines that imposing a penalty would be
17 inequitable because of inadvertent acts, mistakes, or unusual circumstances related
18 to the violation.

19 (b) The person who is subject to a penalty under sub. (9) or (10) had good cause
20 to violate sub. (9) or (10), and such violation did not result from the person's neglect.

21 **SECTION 2815.** 139.37 (1) (a) of the statutes is amended to read:

22 139.37 (1) (a) No person shall sell cigarettes or ~~take orders for cigarettes for~~
23 ~~resale~~ solicit cigarette sales in this state ~~for any manufacturer or permittee without~~
24 ~~first obtaining a~~ unless the person has filed an application for and obtained a valid
25 certificate under s. 73.03 (50) and a salesperson's permit from the department of

SENATE BILL 40**SECTION 2815**

1 revenue. ~~No manufacturer or permittee shall authorize any person to sell cigarettes~~
2 ~~or take orders for cigarettes solicit cigarette sales in this state without first having~~
3 ~~such person secure unless the person has filed an application for and obtained a valid~~
4 ~~certificate under s. 73.03 (50) and a salesperson's permit. No person shall authorize~~
5 ~~the sale of cigarettes or the solicitation of cigarette sales in this state unless the~~
6 ~~person has filed an application for and obtained a valid certificate under s. 73.03 (50)~~
7 ~~and a valid permit under s. 139.34.~~ The department shall issue the required number
8 of permits to ~~manufacturers and permittees~~ who hold a valid certificate issued under
9 s. 73.03 (50). Each application for a salesperson's permit shall disclose the name and
10 address of the employer or the person for whom the salesperson is selling or soliciting
11 and such permit shall remain effective only while the salesperson represents such
12 named employer or person. If such salesperson is thereafter employed by another
13 ~~manufacturer or permittee~~ person, the salesperson shall obtain a new salesperson's
14 permit. ~~Each manufacturer and permittee~~ The employer of any such salesperson
15 shall notify the department within 10 days after the resignation or dismissal of any
16 such the salesperson ~~holding a permit~~.

17 **SECTION 2816.** 139.40 (1) of the statutes is amended to read:

18 139.40 (1) All cigarettes acquired, owned, imported, possessed, kept, stored,
19 made, sold, distributed or transported in violation of this chapter or s. 134.65, and
20 all personal property used in connection therewith is unlawful property and subject
21 to seizure by the secretary or any peace officer. All cigarettes seized for violating s.
22 139.31 (4) or (5) shall be destroyed.

23 **SECTION 2817.** 139.40 (2) of the statutes is amended to read:

24 139.40 (2) If cigarettes ~~which do not bear the proper tax stamps or on which~~
25 ~~the tax has not been paid~~ Cigarettes that are so seized they as provided under sub.

SENATE BILL 40**SECTION 2817**

1 (1) may be given to law enforcement officers to use in criminal investigations or sold
2 to qualified buyers by the secretary, without notice. If the cigarettes are sold, after
3 deducting the costs of the sale and ~~the keeping of~~ storing the property, the proceeds
4 of the sale shall be paid into the state treasury. If the secretary finds that such
5 cigarettes may deteriorate or become unfit for use in criminal investigations or for
6 sale or that those uses would otherwise be impractical, the secretary may order them
7 destroyed or give them to a charitable or penal institution for free distribution to
8 patients or inmates.

9 **SECTION 2818.** 139.44 (1m) of the statutes is amended to read:

10 139.44 **(1m)** Any person who falsely or fraudulently tampers with a cigarette
11 ~~meter~~ tax impression machine in order to evade the tax under s. 139.31 is guilty of
12 a Class G felony.

13 **SECTION 2819.** 139.44 (2) of the statutes is amended to read:

14 139.44 **(2)** Any person who makes or signs any false or fraudulent report or who
15 attempts to evade the tax imposed by s. 139.31 or 139.76, or who aids in or abets the
16 evasion or attempted evasion of that tax ~~may be fined not more than \$10,000 or~~
17 ~~imprisoned for not more than 9 months or both,~~ is guilty of a Class H felony.

18 **SECTION 2820.** 139.44 (3) of the statutes is amended to read:

19 139.44 **(3)** Any permittee or licensee who fails to keep the records required by
20 ss. 139.30 to 139.42 or 139.77 to 139.82 shall be fined not less than \$100 \$500 nor
21 more than ~~\$500~~ \$1,000 for the first offense and shall be fined not less than \$1,000
22 nor more than \$5,000 or imprisoned not more than ~~6 months~~ 180 days or both for a
23 2nd or subsequent offense.

24 **SECTION 2821.** 139.44 (4) of the statutes is amended to read:

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1 139.44 (4) Any person who refuses to permit the examination or inspection
2 authorized in s. 139.39 (2) or 139.83 may be fined not more less than \$500 nor more
3 than \$1,000 or imprisoned not more than ~~90~~ 180 days or both. Such refusal shall be
4 cause for immediate ~~suspension or~~ revocation of permit or license by the secretary.

5 **SECTION 2822.** 139.44 (5) of the statutes is amended to read:

6 139.44 (5) Any person who violates any of the provisions of ss. 139.30 to 139.41
7 or 139.75 to 139.83 for which no other penalty is prescribed shall be fined not less
8 ~~than \$100 nor~~ more than \$1,000 \$10,000 or imprisoned not ~~less than 10 days nor~~
9 more than ~~90 days~~ 9 months or both.

10 **SECTION 2823.** 139.44 (6) of the statutes is amended to read:

11 139.44 (6) Any person who violates any of the rules of the department shall be
12 fined not less than \$100 \$500 nor more than \$500 \$1,000 or be imprisoned not more
13 than ~~6~~ 9 months or both.

14 **SECTION 2824.** 139.44 (6m) of the statutes is created to read:

15 139.44 (6m) Any person who manufactures or sells cigarettes in this state
16 without holding the proper permit issued under this subchapter is guilty of a Class
17 I felony.

18 **SECTION 2825.** 139.44 (7) of the statutes is amended to read:

19 139.44 (7) In addition to the penalties imposed for violation of ss. 139.30 to
20 139.41 or 139.75 to 139.83 or any of the rules of the department, the permit of any
21 person convicted of a 2nd or subsequent offense shall be automatically revoked and
22 ~~he or she~~ the person shall not be granted another permit for a period of ~~2~~ 5 years
23 following such revocation.

24 **SECTION 2826.** 139.44 (13) of the statutes is created to read:

SENATE BILL 40**SECTION 2826**

1 139.44 **(13)** Notwithstanding subs. (1) to (8), no penalty shall be imposed under
2 subs. (1) to (8) if any of the following apply:

3 1. The secretary of revenue determines that imposing a penalty would be
4 inequitable because of inadvertent acts, mistakes, or unusual circumstances related
5 to the violation.

6 2. The person who is subject to a penalty under subs. (1) to (8) had good cause
7 to commit the violation to which the penalty applies, and such violation did not result
8 from the person's neglect.

9 **SECTION 2827.** 139.455 of the statutes is created to read:

10 **139.455 Revenue distribution.** From the taxes collected under this
11 subchapter, in fiscal year 2007–08, the department shall deposit no more than
12 \$304,000,000 into the general fund and the remainder into the health care quality
13 fund. From the taxes collected under this subchapter, in fiscal year 2008–09, and in
14 each subsequent fiscal year thereafter, the department shall deposit no more than
15 \$305,000,000 into the general fund and the remainder into the health care quality
16 fund.

17 **SECTION 2828.** 139.75 (2) of the statutes is amended to read:

18 139.75 **(2)** “Consumer” means any individual who receives tobacco products for
19 his or her personal use or consumption or any person individual who has title to or
20 possession of tobacco products ~~in storage for use or other consumption in this state~~
21 any purpose other than for sale or resale.

22 **SECTION 2829.** 139.75 (3g) of the statutes is created to read:

23 139.75 **(3g)** “Direct marketer” means any person who solicits sales of or sells
24 tobacco products to consumers in this state by direct marketing.

25 **SECTION 2830.** 139.75 (3r) of the statutes is created to read:

SENATE BILL 40**SECTION 2830**

1 139.75 (3r) “Direct marketing” means publishing or making accessible an offer
2 for the sale of tobacco products to consumers in this state, or selling tobacco products
3 to consumers in this state, using any means by which the consumer is not physically
4 present on a premise that sells tobacco products.

5 **SECTION 2831.** 139.75 (4) (a) of the statutes is amended to read:

6 139.75 (4) (a) Any person in this state engaged in the business of selling tobacco
7 products ~~in this state~~ who brings, or causes to be brought, into this state from outside
8 the state any tobacco products for sale;

9 **SECTION 2832.** 139.75 (4) (c) of the statutes is amended to read:

10 139.75 (4) (c) Any person outside this state engaged in the business of selling
11 tobacco products ~~outside this state~~ who ships or transports tobacco products to
12 retailers in this state to be sold by those retailers.

13 **SECTION 2833.** 139.75 (4) (cm) of the statutes is created to read:

14 139.75 (4) (cm) Any person outside this state engaged in the business of selling
15 tobacco products who ships or transports tobacco products to consumers in this state.

16 **SECTION 2834.** 139.75 (4n) of the statutes is created to read:

17 139.75 (4n) “Identification card” has the meaning given in s. 134.66 (1) (c).

18 **SECTION 2835.** 139.75 (5s) of the statutes is created to read:

19 139.75 (5s) “Person” means any individual, sole proprietorship, partnership,
20 limited liability company, corporation, or association, or any owner of a single-owner
21 entity that is disregarded as a separate entity under ch. 71.

22 **SECTION 2836.** 139.75 (7) of the statutes is amended to read:

23 139.75 (7) “Retail outlet” means each place of business from which tobacco
24 products are sold to consumers by a retailer.

25 **SECTION 2837.** 139.75 (8) of the statutes is amended to read:

SENATE BILL 40**SECTION 2837**

1 139.75 **(8)** “Retailer” means ~~any person engaged in the business of selling~~
2 ~~tobacco products to ultimate consumers~~ has the meaning given in s. 134.66 (1) (g).

3 **SECTION 2838.** 139.76 (1) of the statutes is amended to read:

4 139.76 **(1)** An excise tax is imposed upon the sale, offering or exposing for sale,
5 possession with intent to sell or removal for consumption or sale or other disposition
6 for any purpose of tobacco products by any person engaged as a distributor of them
7 at the rate of ~~25%~~ 65.6 percent of the manufacturer’s established list price to
8 distributors without diminution by volume or other discounts on domestic products.
9 On products imported from another country the rate of tax is ~~25%~~ 65.6 percent of the
10 amount obtained by adding the manufacturer’s list price to the federal tax, duties
11 and transportation costs to the United States. The tax attaches at the time the
12 tobacco products are received by the distributor in this state. The tax shall be passed
13 on to the ultimate consumer of the tobacco products. All tobacco products received
14 in this state for sale or distribution within this state, except tobacco products actually
15 sold as provided in sub. (2), shall be subject to such tax.

16 **SECTION 2839.** 139.76 (3) of the statutes is created to read:

17 139.76 **(3)** Except as provided in sub. (2), no person may possess tobacco
18 products in this state unless the tax imposed under sub. (1) is paid on such tobacco
19 products.

20 **SECTION 2840.** 139.78 (1) of the statutes is amended to read:

21 139.78 **(1)** A tax is imposed upon the use or storage by consumers of tobacco
22 products in this state at the rate of ~~25%~~ 65.6 percent of the cost of the tobacco
23 products. The tax does not apply if the tax imposed by s. 139.76 (1) on the tobacco
24 products has been paid or if the tobacco products are exempt from the tobacco
25 products tax under s. 139.76 (2).

SENATE BILL 40**SECTION 2841**

1 **SECTION 2841.** 139.78 (1m) of the statutes is created to read:

2 139.78 **(1m)** Except as provided in s. 139.76 (2), no person other than a
3 distributor with a valid permit under s. 139.79 may import into this state tobacco
4 products for which the tax imposed under s. 139.76 (1) has not been paid.

5 **SECTION 2842.** 139.79 (title) of the statutes is amended to read:

6 **139.79 (title) Permits; ~~distributor; subjobber.~~**

7 **SECTION 2843.** 139.79 (1) of the statutes is amended to read:

8 139.79 **(1)** No person may engage in the business of a distributor, direct
9 marketer, or subjobber of tobacco products at any place of business unless that
10 person has filed an application for and obtained a permit from the department to
11 engage in that business at such place.

12 **SECTION 2844.** 139.79 (2) of the statutes is amended to read:

13 139.79 **(2)** Section 139.34 (1) ~~(b)~~ (c) to (f), (4) and (9) applies to the permits under
14 this section.

15 **SECTION 2845.** 139.795 of the statutes is created to read:

16 **139.795 Direct marketing. (1)** (a) No person may sell tobacco products by
17 direct marketing to consumers in this state as a direct marketer or solicit sales of
18 tobacco products to consumers in this state by direct marketing unless the person has
19 obtained a permit from the department to make such sales or solicitations. The
20 person shall file an application for a permit under this subsection with the
21 department, in the manner prescribed by the department.

22 (b) No person may be issued a permit under this subsection unless the person
23 holds a valid distributor's permit under s. 139.79. Section 139.34 (1) (c) to (f), (4), and
24 (9), as it applies to permits issued under s. 139.34, applies to permits issued under
25 this subsection.

SENATE BILL 40**SECTION 2845**

1 (c) No person may be issued a permit under this subsection unless the person
2 certifies to the department, in the manner prescribed by the department, that the
3 person shall register with credit card and debit card companies; that the invoices and
4 all means of solicitation for all shipments of tobacco product sales from the person
5 shall bear the person's name and address and the permit number of the permit
6 ultimately issued under this subsection; and that the person shall provide the
7 department any information the department considers necessary to administer this
8 section.

9 **(2)** No person may sell tobacco products to consumers in this state by direct
10 marketing unless the tax imposed under s. 139.76, and under s. 77.52 or 77.53, has
11 been paid with regard to such products.

12 **(3)** No person may sell tobacco products to a consumer in this state by direct
13 marketing unless the person does all of the following:

14 (a) Verifies the consumer's identity and address and that the consumer is at
15 least 18 years of age by any of the following methods:

16 1. The person uses a database that includes information based on public
17 records.

18 2. The person receives from the consumer, at the time of purchase, a copy of an
19 identification card and verifies that the name specified on the identification card
20 matches the name of the consumer and that the birth date on the identification card
21 indicates that the consumer is at least 18 years of age.

22 3. The person uses a mechanism, other than a mechanism specified under subd.
23 1. or 2., that is approved by the department.

24 (b) Obtains from the consumer, at the time of purchase, a statement signed by
25 the consumer that confirms all of the following:

SENATE BILL 40**SECTION 2845**

- 1 1. The consumer's name, address, and birth date.
- 2 2. That the consumer understands that no person who is under 18 years of age
- 3 may purchase or possess tobacco products or falsely represent his or her age for the
- 4 purpose of receiving tobacco products, as provided under s. 254.92.
- 5 3. That the consumer understands that any person who, for the purpose of
- 6 obtaining credit, goods, or services, intentionally uses, attempts to use, or possesses
- 7 with intent to use, any personal identifying information or personal identification
- 8 document of an individual, including a deceased individual, without the
- 9 authorization or consent of the individual and by representing that he or she is the
- 10 individual, that he or she is acting with the authorization or consent of the
- 11 individual, or that the information or document belongs to him or her, is guilty of a
- 12 Class H felony, as provided under s. 943.201.
- 13 **(4)** Any person who, without having a valid permit under sub. (1), sells or
- 14 solicits sales of tobacco products to consumers in this state by direct marketing shall
- 15 pay a penalty to the department of \$5,000 or an amount that is equal to 50 percent
- 16 of the tax due on the tobacco products the person sold, without having a valid permit
- 17 under sub. (1), to consumers in this state by direct marketing, whichever is greater.
- 18 **(5)** (a) No person may deliver a package of tobacco products sold by direct
- 19 marketing to a consumer in this state unless the person making the delivery receives
- 20 an identification card from the person receiving the package and verifies that the
- 21 person receiving the package is at least 18 years of age. If the person receiving the
- 22 package is not the person to whom the package is addressed, the person delivering
- 23 the package shall have the person receiving the package sign a statement that
- 24 affirms that the person to whom the package is addressed is at least 18 years of age.

SENATE BILL 40**SECTION 2845**

1 (b) No person may deliver a package of tobacco products to a consumer in this
2 state unless the seller of the tobacco products provides proof to the person making
3 the delivery that the seller has complied with all requirements under this
4 subchapter. A seller shall have no course of action against any person who refuses
5 to deliver tobacco products as provided under this paragraph.

6 **(6)** All packages of tobacco products shipped to consumers in this state shall
7 be clearly labelled “TOBACCO PRODUCTS” on the outside of such packages.

8 **(7)** (a) Any nonresident or foreign direct marketer that has not registered to
9 do business in this state as a foreign corporation or business entity shall, as a
10 condition precedent to obtaining a permit under s. 139.79 (1), appoint and
11 continually engage the services of an agent in this state to act as agent for the service
12 of process on whom all processes, and any action or proceeding against it concerning
13 or arising out of the enforcement of this chapter, may be served in any manner
14 authorized by law. That service shall constitute legal and valid service of process on
15 the direct marketer. The direct marketer shall provide the name, address, phone
16 number, and proof of the appointment and availability of the agent to the
17 department.

18 (b) A direct marketer described under par. (a) shall provide notice to the
19 department no later than 30 calendar days before termination of the authority of an
20 agent under par. (a) and shall provide proof to the satisfaction of the department of
21 the appointment of a new agent no later than 5 calendar days before the termination
22 of an existing appointment. In the event an agent terminates an appointment, the
23 direct marketer shall notify the department of that termination no later than 5
24 calendar days after the termination and shall include proof to the satisfaction of the
25 department of the appointment of a new agent.

SENATE BILL 40**SECTION 2845**

1 (c) The secretary of state is the agent in this state for the service of process of
2 any direct marketer who has not appointed and engaged an agent as provided under
3 par. (a), except that the secretary of state acting as the direct marketer's agent for
4 the service of process does not satisfy the requirements imposed by par. (a).

5 **SECTION 2846.** 139.81 (1) of the statutes is amended to read:

6 139.81 (1) No person may sell ~~or take orders for~~ tobacco products for resale or
7 solicit sales of tobacco products in this state ~~for any manufacturer or permittee~~
8 unless the person has filed an application for and obtained a valid certificate under
9 s. 73.03 (50) and a salesperson's permit from the department. No ~~manufacturer or~~
10 permittee shall authorize any person to sell ~~or take orders for~~ tobacco products or
11 solicit sales of tobacco products in this state unless the person has filed an application
12 for and obtained a valid certificate under s. 73.03 (50) and a salesperson's permit.
13 No person may authorize the sale of tobacco products or the solicitation of sales of
14 tobacco products in this state unless the person has filed an application for and
15 obtained a valid certificate under s. 73.03 (50) and a valid permit under s. 139.79.
16 Each application for a salesperson's permit shall disclose the name and address of
17 the employer or the person for whom the salesperson is selling or soliciting and shall
18 remain effective only while the salesperson represents the named employer or
19 person. If the salesperson is thereafter employed by another ~~manufacturer or~~
20 ~~permittee~~ person the salesperson shall obtain a new salesperson's permit. ~~Each~~
21 ~~manufacturer and permittee~~ The employer of any such salesperson shall notify the
22 department within 10 days after the resignation or dismissal of ~~any~~ the salesperson
23 ~~holding a permit~~.

24 **SECTION 2847.** 139.81 (2) of the statutes is amended to read:

SENATE BILL 40**SECTION 2847**

1 139.81 (2) Section 139.34 (1) ~~(b)~~ (c) to (e) applies to the permits under this
2 section.

3 **SECTION 2848.** 139.86 of the statutes is amended to read:

4 **139.86 Prosecutions by attorney general.** Upon request by the secretary
5 of revenue, the attorney general may represent this state or assist a district attorney
6 in prosecuting any case arising under this subchapter. The attorney general may
7 take any action necessary to enforce s. 139.795.

8 **SECTION 2849.** 139.865 of the statutes is created to read:

9 **139.865 Revenue distribution.** From the taxes collected under this
10 subchapter, in fiscal year 2007–08, the department shall deposit no more than
11 \$18,400,000 into the general fund and the remainder into the health care quality
12 fund. From the taxes collected under this subchapter, in fiscal year 2008–09, and in
13 each subsequent fiscal year thereafter, the department shall deposit no more than
14 \$19,300,000 into the general fund and the remainder into the health care quality
15 fund.

16 **SECTION 2850.** 139.87 of the statutes is created to read:

17 **139.87 Lists.** The department shall compile and maintain a list of direct
18 marketers who have complied with the requirements of s. 139.795 and a list of direct
19 marketers who the department knows have not complied with such requirements.
20 The department shall provide copies of the lists described under this section to the
21 attorney general and to each person who delivers tobacco products to consumers in
22 this state that are sold by direct marketing under s. 139.795.

23 **SECTION 2851.** 146.19 (title) of the statutes is amended to read:

24 **146.19 (title) Cooperative American Indian health projects.**

25 **SECTION 2852.** 146.19 (1) (c) of the statutes is amended to read:

SENATE BILL 40**SECTION 2852**

1 146.19 (1) (c) “Tribal agency” means an agency of the governing body of created
2 by a tribe.

3 **SECTION 2853.** 146.19 (1) (d) of the statutes is amended to read:

4 146.19 (1) (d) “Tribe” means ~~the governing body of~~ a federally recognized
5 American Indian tribe or band located in this state.

6 **SECTION 2854.** 146.19 (2) (intro.) of the statutes is amended to read:

7 146.19 (2) ~~COOPERATIVE AMERICAN INDIAN HEALTH PROJECT GRANTS.~~ (intro.) From
8 the appropriation under s. 20.435 (5) (ke), the department shall award grants for
9 cooperative American Indian health projects in order to ~~promote cooperation among~~
10 ~~tribes, tribal agencies, inter-tribal organizations and other agencies and~~
11 ~~organizations in addressing~~ address specific problem areas in the field of American
12 Indian health. A tribe, tribal agency, or inter-tribal organization may apply, in the
13 manner specified by the department, for a grant of up to \$10,000 to conduct ~~a~~
14 ~~cooperative~~ an American Indian health project, ~~which meets all of the following~~
15 ~~requirements~~ that is designed to do any of the following:

16 **SECTION 2855.** 146.19 (2) (a) of the statutes is repealed.

17 **SECTION 2856.** 146.19 (2) (b) (intro.) of the statutes is repealed.

18 **SECTION 2857.** 146.19 (2) (b) 1. of the statutes is renumbered 146.19 (2) (am).

19 **SECTION 2858.** 146.19 (2) (b) 2. of the statutes is renumbered 146.19 (2) (bm)

20 and amended to read:

21 146.19 (2) (bm) Fund start-up costs of cooperative programs to deliver health
22 care services to American Indians.

23 **SECTION 2859.** 146.19 (2) (b) 3. of the statutes is renumbered 146.19 (2) (c).

24 **SECTION 2860.** 146.19 (2) (d) of the statutes is created to read:

SENATE BILL 40**SECTION 2860**

1 146.19 (2) (d) Provide innovative community-based health care services to
2 American Indians.

3 **SECTION 2861.** 146.19 (4) of the statutes is repealed.

4 **SECTION 2862.** 146.40 (4d) (am) of the statutes is amended to read:

5 146.40 (4d) (am) If an individual who applies for a certification or approval
6 under par. (a) does not have a social security number, the individual, as a condition
7 of obtaining certification or approval, shall submit a statement made or subscribed
8 under oath or affirmation to the department that the applicant does not have a social
9 security number. The form of the statement shall be prescribed by the department
10 of ~~workforce development~~ children and families. A certification or approval issued
11 in reliance upon a false statement submitted under this paragraph is invalid.

12 **SECTION 2863.** 146.51 (1m) of the statutes is amended to read:

13 146.51 (1m) If an individual who applies for or to renew a license, training
14 permit or certification under sub. (1) does not have a social security number, the
15 individual, as a condition of obtaining the license, training permit or certification,
16 shall submit a statement made or subscribed under oath or affirmation to the
17 department that the applicant does not have a social security number. The form of
18 the statement shall be prescribed by the department of ~~workforce development~~
19 children and families. A license, training permit or certification issued or renewed
20 in reliance upon a false statement submitted under this subsection is invalid.

21 **SECTION 2864.** 146.51 (2) of the statutes is amended to read:

22 146.51 (2) The department of health and family services may not disclose any
23 information received under sub. (1) to any person except to the department of
24 ~~workforce development~~ children and families for the purpose of making
25 certifications required under s. 49.857.

SENATE BILL 40**SECTION 2865**

1 **SECTION 2865.** 146.51 (3) of the statutes is amended to read:

2 146.51 **(3)** The department of health and family services shall deny an
3 application for the issuance or renewal of a license, training permit or certification
4 specified in sub. (1), shall suspend a license, training permit or certification specified
5 in sub. (1) or may, under a memorandum of understanding under s. 49.857 (2),
6 restrict a license, training permit or certification specified in sub. (1) if the
7 department of ~~workforce development~~ children and families certifies under s. 49.857
8 that the applicant for or holder of the license, training permit or certification is
9 delinquent in the payment of court-ordered payments of child or family support,
10 maintenance, birth expenses, medical expenses or other expenses related to the
11 support of a child or former spouse or fails to comply, after appropriate notice, with
12 a subpoena or warrant issued by the department of ~~workforce development~~ children
13 and families or a county child support agency under s. 59.53 (5) and related to
14 paternity or child support proceedings.

15 **SECTION 2866.** 146.52 (1m) of the statutes is amended to read:

16 146.52 **(1m)** If an individual who applies for or to renew a license, training
17 permit or certificate under sub. (1) does not have a social security number, the
18 individual, as a condition of obtaining the license, training permit or certificate, shall
19 submit a statement made or subscribed under oath or affirmation to the department
20 that the applicant does not have a social security number. The form of the statement
21 shall be prescribed by the department of ~~workforce development~~ children and
22 families. A license, training permit or certificate issued or renewed in reliance upon
23 a false statement submitted under this subsection is invalid.

24 **SECTION 2867.** 146.53 (2) (c) of the statutes is repealed.

25 **SECTION 2868.** 146.55 (4) (a) of the statutes is amended to read:

SENATE BILL 40**SECTION 2868**

1 146.55 **(4)** (a) From the appropriation under s. 20.435 (5) ~~(ch)~~ (rb), the
2 department shall annually distribute funds for ambulance service vehicles or vehicle
3 equipment, emergency medical services supplies or equipment or emergency
4 medical training for personnel to an ambulance service provider that is a public
5 agency, a volunteer fire department or a nonprofit corporation, under a funding
6 formula consisting of an identical base amount for each ambulance service provider
7 plus a supplemental amount based on the population of the ambulance service
8 provider's primary service or contract area, as established under s. 146.50 (5).

9 **SECTION 2869.** 146.55 (5) (a) of the statutes is amended to read:

10 146.55 **(5)** (a) From the appropriation under s. 20.435 (5) ~~(ch)~~ (rb), the
11 department shall annually distribute funds to ambulance service providers that are
12 public agencies, volunteer fire departments, or nonprofit corporations to purchase
13 the training required for licensure and renewal of licensure as an emergency medical
14 technician – basic under s. 146.50 (6), and to pay for administration of the
15 examination required for licensure or renewal of licensure as an emergency medical
16 technician – basic under s. 146.50 (6) (a) 3. and (b) 1.

17 **SECTION 2870.** 146.58 (8) of the statutes is amended to read:

18 146.58 **(8)** Review the annual budget prepared by the department for the
19 expenditures under s. 20.435 (5) ~~(ch)~~ (rb).

20 **SECTION 2871.** 146.75 of the statutes is created to read:

21 **146.75 Health care quality and patient safety council. (1)** In this section:
22 (a) “American Health Information Community” means a panel that is advisory
23 on information technology to the federal department of health and human services.

24 (b) “Council” means the health care quality and patient safety council.

SENATE BILL 40**SECTION 2871**

1 **(2)** Acting in an advisory capacity, the council shall lead implementation efforts
2 for an action plan for health care quality and patient safety by doing all of the
3 following:

4 **(a)** Identifying strategies and actions necessary to do all of the following:

5 1. Attempt to achieve goals established by the Institute of Medicine of the
6 National Academy of Sciences for health care that is safe, effective,
7 patient-centered, timely, efficient, and equitable.

8 2. Extend health care information systems statewide so as to optimize the
9 improvement of health care quality, safety, and efficiency within a reasonable period
10 of time and with reasonable financial investment.

11 **(b)** Considering the most cost-effective means of implementing a statewide
12 integrated or interoperable health care information system, including all of the
13 following:

14 1. Assessing the benefits of an integrated or interoperable system for
15 supporting rapid deployment of health care providers.

16 2. Promoting accurate and appropriate shared information about individual
17 patients among health care providers.

18 3. Creating points of reference for performance indicators among health care
19 provider organizations for organizational performance improvement.

20 4. Reporting to the public on health care quality, safety, and efficiency data for
21 consumer and purchaser decision making.

22 **(3)** The council shall advise the secretary on all of the following:

23 **(a)** A communication and marketing plan.

24 **(b)** Annually, on recommendations to improve the committee organizational
25 structure of the council.

SENATE BILL 40**SECTION 2871**

1 (c) The distribution of funding to entities to promote the health information
2 technology agenda of the governor.

3 (d) Whether a health facility, as defined in s. 231.01 (5), or a participating
4 health institution, as defined in s. 231.01 (6), that seeks financial assistance from the
5 Wisconsin Health and Educational Facilities Authority under s. 231.03
6 demonstrates progress in improving medical information systems technology.

7 (4) By January 1, 2008, and at least annually thereafter, the council shall
8 report to the legislature under s. 13.172 (3) and to the governor on the council's plans,
9 activities, accomplishments, and recommendations.

10 (5) Any subcommittee of the council shall align its work with recommendations
11 of the American Health Information Community.

12 **SECTION 2872.** 146.76 of the statutes is created to read:

13 **146.76 Approval of certain financial assistance.** The secretary shall
14 determine whether a health facility, as defined in s. 231.01 (5), or a participating
15 health institution, as defined in s. 231.01 (6), that seeks financial assistance from the
16 Wisconsin Health and Educational Facilities Authority under s. 231.03
17 demonstrates progress in improving medical information systems technology and
18 shall inform the Wisconsin Health and Educational Facilities Authority of his or her
19 determination. In making a determination under this section, the secretary shall
20 consider as a factor the advice of the health care quality and patient safety council,
21 as provided under s. 146.75 (3) (d).

22 **SECTION 2873.** 146.91 (2) (c) of the statutes is repealed.

23 **SECTION 2874.** 146.91 (5) of the statutes is repealed.

24 **SECTION 2875.** 146.99 of the statutes is repealed.

25 **SECTION 2876.** 149.11 (2) (a) 1. of the statutes is amended to read:

SENATE BILL 40**SECTION 2876**

1 149.11 (2) (a) 1. Insurer assessments under s. 149.13, ~~paid to the authority~~
2 ~~under s. 20.145 (5) (g).~~

3 **SECTION 2877.** 149.11 (2) (a) 3. of the statutes is repealed and recreated to read:

4 149.11 (2) (a) 3. Moneys received from the federal government in high risk pool
5 grants.

6 **SECTION 2878.** 149.11 (2) (b) of the statutes is amended to read:

7 149.11 (2) (b) The authority controls the assets of the fund ~~and shall select~~
8 ~~regulated financial institutions in this state that receive deposits in which to~~
9 ~~establish and maintain accounts for assets needed on a current basis. If practicable,~~
10 ~~the accounts shall earn interest.~~

11 **SECTION 2879.** 149.12 (2) (e) of the statutes is renumbered 149.12 (2) (e) 1. and
12 amended to read:

13 149.12 (2) (e) 1. ~~No~~ Subject to subd. 2., no person who is eligible for creditable
14 coverage, other than those benefits specified in s. 632.745 (11) (b) 1. to 12., that is
15 provided by an employer on a self-insured basis or through health insurance is
16 eligible for coverage under the plan.

17 **SECTION 2880.** 149.12 (2) (e) 2. of the statutes is created to read:

18 149.12 (2) (e) 2. The board may specify other types of coverage provided by an
19 employer that do not render a person ineligible for coverage under the plan.

20 **SECTION 2881.** 149.12 (2) (f) 2. g. of the statutes is created to read:

21 149.12 (2) (f) 2. g. Benefits under the demonstration project for childless adults
22 under s. 49.45 (23).

23 **SECTION 2882.** 149.12 (2) (g) 3. of the statutes is amended to read:

SENATE BILL 40**SECTION 2882**

1 149.12 (2) (g) 3. Services provided under ~~a waiver requested under 2001~~
2 ~~Wisconsin Act 16, section 9123 (16rs), or 2003 Wisconsin Act 33, section 9124 (8c) the~~
3 disabled children's long-term support program, as defined in s. 46.011 (1g).

4 **SECTION 2883.** 149.12 (3) (a) of the statutes is amended to read:

5 149.12 (3) (a) Except as provided in pars. (b) ~~and (bm) to (c)~~, no person is eligible
6 for coverage under the plan for whom a premium, deductible, or coinsurance amount
7 is paid or reimbursed by a federal, state, county, or municipal government or agency
8 as of the first day of any term for which a premium amount is paid or reimbursed and
9 as of the day after the last day of any term during which a deductible or coinsurance
10 amount is paid or reimbursed.

11 **SECTION 2884.** 149.12 (3) (c) of the statutes is created to read:

12 149.12 (3) (c) Persons for whom premium costs for health insurance coverage
13 and copayments for certain prescription drugs are paid under the pilot program
14 under s. 49.686 (6) are not ineligible for coverage under the plan by reason of such
15 payments.

16 **SECTION 2885.** 149.13 (3) (a) of the statutes is amended to read:

17 149.13 (3) (a) Each insurer's proportion of participation under sub. (2) shall be
18 determined annually by the commissioner based on annual statements and other
19 reports filed by the insurer with the commissioner. The commissioner shall assess
20 an insurer for the insurer's proportion of participation based on the total
21 assessments estimated by the authority. An insurer shall pay the amount of the
22 assessment directly to the authority.

23 **SECTION 2886.** 149.14 (2) (c) 1. of the statutes is renumbered 149.14 (2) (c).

24 **SECTION 2887.** 149.14 (2) (c) 2. of the statutes is repealed.

25 **SECTION 2888.** 149.14 (3) (intro.) of the statutes is amended to read:

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1 149.14 (3) COVERED EXPENSES. (intro.) Covered expenses for coverage under the
2 plan shall be the payment rates established by the authority for services provided
3 by persons licensed under ch. 446 and certified under s. 49.45 (2) (a) 11. Covered
4 expenses for coverage under the plan shall also be the payment rates established by
5 the authority for, at a minimum, the following services and articles if the service or
6 article is prescribed by a physician who is licensed under ch. 448 or in another state
7 and who is certified under s. 49.45 (2) (a) 11. and, except as provided in sub. (3m), if
8 the service or article is provided by a provider certified under s. 49.45 (2) (a) 11.:

9 **SECTION 2889.** 149.14 (3m) of the statutes is created to read:

10 149.14 (3m) PHARMACY NETWORK. Covered expenses for prescription drugs
11 shall be the payment rates established by the authority for prescription drugs that
12 are provided to eligible persons by a network of pharmacists and pharmacies
13 approved by the board, regardless of whether the provider of the drug is certified
14 under s. 49.45 (2) (a) 11. The network of pharmacists and pharmacies approved by
15 the board shall include, at a minimum, all pharmacists licensed under s. 450.03 who
16 are certified under s. 49.45 (2) (a) 11. and all pharmacies licensed under s. 450.06 that
17 are certified under s. 49.45 (2) (a) 11.

18 **SECTION 2890.** 149.14 (5) (a) of the statutes is amended to read:

19 149.14 (5) (a) The authority shall establish and provide subsidies for
20 deductibles paid by eligible persons with coverage ~~under s. 149.14 (2) (a) and~~
21 household incomes specified in s. 149.165 (2) (a) 1. to 5.

22 **SECTION 2891.** 149.142 (1) of the statutes is amended to read:

23 149.142 (1) ESTABLISHMENT OF RATES. The authority shall establish provider
24 payment rates for covered expenses that consist of the ~~allowable charges paid under~~
25 ~~s. 49.46 (2)~~ usual and customary payment rates, as determined by the authority, for

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1 the services and articles provided plus an enhancement adjustment determined by
2 the authority. The rates shall be based on the allowable charges paid under s. 49.46
3 ~~(2), projected plan costs, and trend factors. Using the same methodology that applies~~
4 ~~to medical assistance under subch. IV of ch. 49, the authority shall establish hospital~~
5 ~~outpatient per visit reimbursement rates and hospital inpatient reimbursement~~
6 ~~rates that are specific to diagnostically related groups of eligible persons. The~~
7 adjustments to the usual and customary rates shall be sufficient to cover the portion
8 of plan costs specified in s. 149.143 (1) (c) and (2) (b).

9 **SECTION 2892.** 149.143 (1) (intro.) of the statutes is amended to read:

10 149.143 **(1)** COSTS EXCLUDING SUBSIDIES. (intro.) The authority shall pay plan
11 costs, excluding any premium, deductible, and copayment subsidies, first from any
12 federal funds, if any, that are transferred to the fund under s. 20.145 (5) (m) and
13 under s. 149.11 (2) (a) 3. that exceed premium, deductible, and copayment subsidy
14 costs in a policy year. The remainder of the plan costs, excluding premium,
15 deductible, and copayment subsidy costs, shall be paid as follows:

16 **SECTION 2893.** 149.143 (2) (intro.) of the statutes is amended to read:

17 149.143 **(2)** SUBSIDY COSTS. (intro.) The authority shall pay for premium,
18 deductible, and copayment subsidies in a policy year first from any federal funds, if
19 any, that are transferred to the fund under s. 20.145 (5) (m) under s. 149.11 (2) (a)
20 3. received in that year. The remainder of the subsidy costs shall be paid as follows:

21 **SECTION 2894.** 149.165 (2) (bc) of the statutes is amended to read:

22 149.165 **(2)** (bc) Subject to sub. (3m), if the household income, as defined in s.
23 71.52 (5) and as determined under sub. (3), of an eligible person with coverage under
24 s. 149.14 (2) (b) or (c) is equal to or greater than the first amount and less than the
25 2nd amount listed in par. (a) 1., 2., 3., 4., or 5., the authority shall reduce the premium

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1 established for the eligible person by the same percentage as the authority reduces,
2 under par. (a), the premium established for an eligible person with coverage under
3 s. 149.14 (2) (a) who has a household income specified in the same subdivision under
4 par. (a) as the household income of the eligible person with coverage under s. 149.14
5 (2) (b) or (c).

6 **SECTION 2895.** 149.65 (1) of the statutes is amended to read:

7 149.65 (1) Subject to sub. (2), the authority shall design and administer a
8 program of health care coverage, called the Health Care Tax Credit Program, under
9 which a covered eligible individual may receive an income tax credit under 26 USC
10 35 for a portion of premiums paid for the coverage. The Health Care Tax Credit
11 Program shall be designed to satisfy the requirements of qualified health insurance
12 under 26 USC 35 (e) (1) (E), (2), and (3). Any person with which the authority
13 contracts under s. 149.43 (4) (a) shall also be the administrator for the program under
14 this subchapter.

15 **SECTION 2896.** 150.31 (1) (intro.) of the statutes is amended to read:

16 150.31 (1) (intro.) In order to enable the state to budget accurately for medical
17 assistance and to allocate fiscal resources most appropriately, the maximum number
18 of licensed nursing home beds statewide is ~~51,795~~ 42,000 and the maximum number
19 of beds statewide in facilities primarily serving the developmentally disabled is
20 3,704. The department may adjust these limits on licensed beds as provided in subs.
21 (2) to (6). The department shall also biennially recommend changes to this limit
22 based on the following criteria:

23 **SECTION 2897.** 150.31 (5t) of the statutes is repealed.

24 **SECTION 2898.** 150.345 (1) (a) of the statutes is amended to read:

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1 150.345 (1) (a) The receiving nursing home is within the same area for
2 allocation of nursing home beds, as determined by the department, as is the
3 transferring nursing home, or is in ~~a county~~ an adjoining ~~that~~ area.

4 **SECTION 2899.** 165.07 of the statutes is created to read:

5 **165.07 Assistant attorney general — public intervenor. (1)** The attorney
6 general shall designate an assistant attorney general on the attorney general's staff
7 as public intervenor. The head of each agency responsible for proceedings under chs.
8 30, 31, 281 to 285, and 289 to 299, shall give notice of those proceedings to the public
9 intervenor, to the administrators of divisions primarily assigned the departmental
10 functions under chs. 29, 281, 285, and 289 to 299, and to the natural areas
11 preservation council.

12 **(2)** The public intervenor shall formally intervene in proceedings described in
13 sub. (1) when requested to do so by an administrator of a division primarily assigned
14 the departmental functions under chs. 29, 281, 285, or 289 to 299. The public
15 intervenor may, on the public intervenor's own initiative or upon request of any
16 committee of the legislature, formally intervene in proceedings described in sub. (1)
17 whenever that intervention is needed for the protection of public rights in water and
18 other natural resources, as provided in chs. 30 and 31 and defined by the supreme
19 court.

20 **(3)** Personnel of the department of natural resources shall, upon the request
21 of the public intervenor, make such investigations, studies, and reports as the public
22 intervenor may request in connection with proceedings described in sub. (1), either
23 before or after formal intervention. Personnel of state agencies shall, at the public
24 intervenor's request, provide information, serve as witnesses in proceedings
25 described in sub. (1), and otherwise cooperate in the carrying out of the public

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1 intervenor’s intervention functions. The public intervenor shall formally intervene
2 by filing a statement to that effect with the examiner or other person immediately
3 in charge of the proceeding. Upon that filing, the public intervenor shall be
4 considered a party in interest with full power to present evidence, subpoena and
5 cross-examine witnesses, submit proof, file briefs, or do any other acts appropriate
6 for a party to the proceedings.

7 (4) The public intervenor may appeal from administrative rulings to the courts.
8 In all administrative proceedings and judicial review proceedings, the public
9 intervenor shall be identified as “public intervenor.” This section does not preclude
10 or prevent any division of the department of natural resources, or any other
11 department or independent agency, from appearing by its staff as a party in any
12 proceedings.

13 **SECTION 2900.** 165.075 of the statutes is created to read:

14 **165.075 Assistant attorney general; public intervenor; authority.** In
15 carrying out his or her duty to protect public rights in water and other natural
16 resources, the public intervenor has the authority to initiate actions and proceedings
17 before any agency or court in order to raise issues, including issues concerning
18 constitutionality, present evidence and testimony, and make arguments.

19 **SECTION 2901.** 165.076 of the statutes is created to read:

20 **165.076 Assistant attorney general; public intervenor; advisory**
21 **committee.** The attorney general shall appoint a public intervenor advisory
22 committee under s. 15.04 (1) (c). The public intervenor advisory committee shall
23 consist of not less than 7 nor more than 9 members. The attorney general may only
24 appoint members who have backgrounds in or demonstrated experience or records
25 relating to environmental protection or natural resource conservation. The attorney

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1 general shall appoint at least one member who has working knowledge of business
2 and at least one member who has working knowledge of agriculture. The public
3 intervenor advisory committee shall advise the public intervenor consistent with his
4 or her duty to protect public rights in water and other natural resources. The public
5 intervenor advisory committee shall conduct meetings consistent with subch. V of
6 ch. 19 and shall permit public participation and public comment on public intervenor
7 activities.

8 **SECTION 2902.** 165.08 of the statutes is amended to read:

9 **165.08 Power to compromise.** Any civil action prosecuted by the
10 department by direction of any officer, department, board or commission, shall be
11 compromised or discontinued when so directed by such officer, department, board or
12 commission. Any Except as provided in s. 20.931 (7) (b), any civil action prosecuted
13 by the department on the initiative of the attorney general, or at the request of any
14 individual may be compromised or discontinued with the approval of the governor.
15 In any criminal action prosecuted by the attorney general, the department shall have
16 the same powers with reference to such action as are vested in district attorneys.

17 **SECTION 2903.** 165.10 of the statutes is created to read:

18 **165.10 Civil rights enforcement.** If any person, whether or not acting under
19 color of law, interferes with the exercise or enjoyment by any individual of a right
20 secured by the constitution or laws of the United States, or of a right secured by the
21 constitution or laws of this state, the attorney general may bring an action for
22 injunction or other appropriate equitable relief to protect the peaceable exercise or
23 enjoyment of the right secured.

24 **SECTION 2904.** 165.25 (11) of the statutes is created to read:

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1 165.25 **(11)** FALSE CLAIMS. Diligently investigate possible violations of s. 20.931,
2 and, if the department determines that a person has committed an act that is
3 punishable under s. 20.931, may bring a civil action against that person.

4 **SECTION 2905.** 165.72 (3) of the statutes is amended to read:

5 165.72 **(3)** REWARD PAYMENT PROGRAM. The department shall administer a
6 reward payment program. Under the program, the department may offer and pay
7 rewards from the appropriation under s. 20.455 (2) ~~(e)~~ (m) for information under sub.
8 (2) (a) leading to the arrest and conviction of a person for a violation of ch. 961.

9 **SECTION 2906.** 165.85 (3) (cm) of the statutes is amended to read:

10 165.85 **(3)** (cm) Decertify law enforcement, tribal law enforcement, jail or
11 secure detention officers who terminate employment or are terminated, who violate
12 or fail to comply with a rule or order of the board relating to curriculum or training,
13 who fail to pay court-ordered payments of child or family support, maintenance,
14 birth expenses, medical expenses or other expenses related to the support of a child
15 or former spouse or who fail to comply, after appropriate notice, with a subpoena or
16 warrant issued by the department of ~~workforce development~~ children and families
17 or a county child support agency under s. 59.53 (5) and related to paternity or child
18 support proceedings. The board shall establish procedures for decertification in
19 compliance with ch. 227, except that decertification for failure to pay court-ordered
20 payments of child or family support, maintenance, birth expenses, medical expenses
21 or other expenses related to the support of a child or former spouse or for failure to
22 comply, after appropriate notice, with a subpoena or warrant issued by the
23 department of ~~workforce development~~ children and families or a county child
24 support agency under s. 59.53 (5) and related to paternity or child support
25 proceedings shall be done as provided under sub. (3m) (a).

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1 **SECTION 2907.** 165.85 (3m) (a) of the statutes is amended to read:

2 165.85 **(3m)** (a) As provided in a memorandum of understanding entered into
3 with the department of ~~workforce development~~ children and families under s.
4 49.857, refuse certification to an individual who applies for certification under this
5 section, refuse recertification to an individual certified under this section or decertify
6 an individual certified under this section if the individual fails to pay court-ordered
7 payments of child or family support, maintenance, birth expenses, medical expenses
8 or other expenses related to the support of a child or former spouse or if the individual
9 fails to comply, after appropriate notice, with a subpoena or warrant issued by the
10 department of ~~workforce development~~ children and families or a county child
11 support agency under s. 59.53 (5) and related to paternity or child support
12 proceedings.

13 **SECTION 2908.** 165.85 (3m) (b) 1. of the statutes is amended to read:

14 165.85 **(3m)** (b) 1. Request that an individual provide the board with his or her
15 social security number when he or she applies for certification or recertification
16 under this section. Except as provided in subd. 2., if an individual who is requested
17 by the board to provide his or her social security number under this paragraph does
18 not comply with the board's request, the board shall deny the individual's application
19 for certification or recertification. The board may disclose a social security number
20 provided by an individual under this paragraph only to the department of ~~workforce~~
21 ~~development~~ children and families as provided in a memorandum of understanding
22 entered into with the department of ~~workforce development~~ children and families
23 under s. 49.857.

24 **SECTION 2909.** 165.85 (3m) (b) 2. of the statutes is amended to read:

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1 165.85 **(3m)** (b) 2. As a condition of applying for certification or recertification,
2 an individual who does not have a social security number shall submit a statement
3 made or subscribed under oath or affirmation to the board that he or she does not
4 have a social security number. The form of the statement shall be prescribed by the
5 department of ~~workforce development~~ children and families. A certification or
6 recertification issued in reliance on a false statement submitted under this
7 subdivision is invalid.

8 **SECTION 2910.** 166.03 (2) (a) 5. of the statutes is amended to read:

9 166.03 **(2)** (a) 5. Provide assistance to the Wisconsin wing of the civil air patrol
10 from the appropriation under s. 20.465 (3) ~~(f)~~ (y) for the purpose of enabling the patrol
11 to perform its assigned missions and duties as prescribed by U.S. air force
12 regulations. Expenses eligible for assistance are aircraft acquisition and
13 maintenance, communications equipment acquisition and maintenance and office
14 staffing and operational expenses. The civil air patrol shall submit vouchers for
15 expenses eligible for assistance to the division.

16 **SECTION 2911.** 166.215 (1) of the statutes is amended to read:

17 166.215 **(1)** Beginning July 1, 2001, the division shall contract with no more
18 than 9 regional emergency response teams, one of which shall be located in La Crosse
19 County. Each regional emergency response team shall assist in the emergency
20 response to level A releases in a region of this state designated by the division. The
21 division shall contract with at least one regional emergency response team in each
22 area designated under s. 166.03 (2) (b) 1. The division may only contract with a local
23 agency, as defined in s. 166.22 (1) (c), under this subsection. A member of a regional
24 emergency response team shall meet the highest standards for a hazardous
25 materials responder in 29 CFR 1910.120 (q) (6) (iv) and National Fire Protection

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1 Association standards NFPA 471 and 472. Regional emergency response teams shall
2 have at least one member that is trained in each of the appropriate specialty areas
3 under National Fire Protection Association standard NFPA 472. Payments to
4 regional emergency response teams under this subsection shall be made from the
5 appropriation account under s. 20.465 (3) ~~(dd)~~ (u).

6 **SECTION 2912.** 166.215 (2) of the statutes is amended to read:

7 166.215 (2) The division shall reimburse a regional emergency response team
8 for costs incurred by the team in responding to an emergency involving a level A
9 release, or a potential level A release, if the team followed the procedures in the rules
10 promulgated under s. 166.20 (2) (bs) 1. to determine if an emergency requiring a
11 response existed. Reimbursement under this subsection is limited to amounts
12 collected under sub. (3) and the amounts appropriated under s. 20.465 (3) ~~(dr)~~ (x).
13 Reimbursement is available under s. 20.465 (3) ~~(dr)~~ (x) only if the regional emergency
14 response team has made a good faith effort to identify the person responsible under
15 sub. (3) and that person cannot be identified, or, if that person is identified, the team
16 has received reimbursement from that person to the extent that the person is
17 financially able or has determined that the person does not have adequate money or
18 other resources to reimburse the regional emergency response team.

19 **SECTION 2913.** 166.22 (3m) of the statutes is amended to read:

20 166.22 (3m) The division shall reimburse a local emergency response team for
21 costs incurred by the team in responding to an emergency involving a hazardous
22 substance release, or potential release, if the team followed the procedures in the
23 rules promulgated under s. 166.20 (2) (bs) 2. to determine if an emergency requiring
24 the team's response existed. Reimbursement under this subsection is limited to the
25 amount appropriated under s. 20.465 (3) ~~(dr)~~ (x). Reimbursement is available under

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1 s. 20.465 (3) ~~(d)~~ (x) only if the local emergency response team has made a good faith
2 effort to identify the person responsible under sub. (4) and that person cannot be
3 identified, or, if that person is identified, the team has received reimbursement from
4 that person to the extent that the person is financially able or has determined that
5 the person does not have adequate money or other resources to reimburse the local
6 emergency response team.

7 **SECTION 2914.** 169.34 (2) of the statutes is amended to read:

8 169.34 **(2)** DISCLOSURE OF SOCIAL SECURITY NUMBERS. The department of natural
9 resources may not disclose any social security numbers received under sub. (1) to any
10 person except to the department of ~~workforce development~~ children and families for
11 the sole purpose of administering s. 49.22.

12 **SECTION 2915.** 169.34 (3) (a) of the statutes is amended to read:

13 169.34 **(3)** (a) As provided in the memorandum of understanding required
14 under s. 49.857 (2), the department of natural resources shall deny an application
15 to issue or renew, to suspend if already issued, or to otherwise withhold or restrict
16 a license issued under this chapter if the applicant for or the holder of the license is
17 delinquent in making court-ordered payments of child or family support,
18 maintenance, birth expenses, medical expenses, or other expenses related to the
19 support of a child or former spouse or if the applicant or holder fails to comply with
20 a subpoena or warrant issued by the department of ~~workforce development~~ children
21 and families or a county child support agency under s. 59.53 (5) and relating to
22 paternity or child support proceedings.

23 **SECTION 2916.** 170.12 (3m) (a) 1m. of the statutes is amended to read:

24 170.12 **(3m)** (a) 1m. If the applicant is an individual and does not have a social
25 security number, a statement made or subscribed under oath or affirmation that the

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1 applicant does not have a social security number. The form of the statement shall
2 be prescribed by the department of ~~workforce development~~ children and families. A
3 permit issued in reliance upon a false statement submitted under this subdivision
4 is invalid.

5 **SECTION 2917.** 170.12 (3m) (b) 2. of the statutes is amended to read:

6 170.12 **(3m)** (b) 2. The board may disclose information under par. (a) 1. or 2.
7 to the department of ~~workforce development~~ children and families in accordance
8 with a memorandum of understanding under s. 49.857.

9 **SECTION 2918.** 170.12 (8) (b) 1. c. of the statutes is amended to read:

10 170.12 **(8)** (b) 1. c. In the case of a permit holder who is an individual, the
11 applicant fails to provide his or her social security number, fails to comply, after
12 appropriate notice, with a subpoena or warrant that is issued by the department of
13 ~~workforce development~~ children and families or a county child support agency under
14 s. 59.53 (5) and that is related to paternity or child support proceedings or the
15 applicant is delinquent in making court-ordered payments of child or family
16 support, maintenance, birth expenses, medical expenses or other expenses related
17 to the support of a child or former spouse, as provided in a memorandum of
18 understanding entered into under s. 49.857. An applicant whose renewal
19 application is denied under this subd. 1. c. is entitled to a notice and hearing under
20 s. 49.857 but is not entitled to any other hearing under this section.

21 **SECTION 2919.** 170.12 (8) (b) 2. of the statutes is amended to read:

22 170.12 **(8)** (b) 2. The board shall restrict or suspend a permit issued under this
23 section if the board finds that, in the case of a permit holder who is an individual, the
24 permit holder fails to comply, after appropriate notice, with a subpoena or warrant
25 that is issued by the department of ~~workforce development~~ children and families or

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1 a county child support agency under s. 59.53 (5) and that is related to paternity or
2 child support proceedings or the permit holder is delinquent in making
3 court-ordered payments of child or family support, maintenance, birth expenses,
4 medical expenses or other expenses related to the support of a child or former spouse,
5 as provided in a memorandum of understanding entered into under s. 49.857. A
6 permit holder whose permit is restricted or suspended under this subdivision is
7 entitled to a notice and hearing under s. 49.857 but is not entitled to any other
8 hearing under this section.

9 **SECTION 2920.** 175.35 (2i) of the statutes is amended to read:

10 175.35 (2i) The department shall charge a firearms dealer ~~an \$8~~ a \$30 fee for
11 each firearms restrictions record search that the firearms dealer requests under sub.
12 (2) (c). The firearms dealer may collect the fee from the transferee. The department
13 may refuse to conduct firearms restrictions record searches for any firearms dealer
14 who fails to pay any fee under this subsection within 30 days after billing by the
15 department.

16 **SECTION 2921.** 175.40 (6m) (c) 4. of the statutes is created to read:

17 175.40 (6m) (c) 4. By no later than 30 days after the end of each calendar
18 quarter, the department of administration shall submit a report to the joint
19 committee on finance detailing all moneys expended or encumbered from the
20 appropriation account under s. 20.505 (2) (am) during that calendar quarter for costs
21 and judgments under subd. 1. or 2.

22 **SECTION 2922.** 177.265 (1) (intro.) of the statutes is amended to read:

23 177.265 (1) (intro.) At least quarterly, the department of ~~workforce~~
24 ~~development~~ children and families shall reimburse the administrator, based on
25 information provided by the administrator, for all of the following:

SENATE BILL 40**SECTION 2923**

1 **SECTION 2923.** 185.981 (4t) of the statutes is amended to read:

2 185.981 **(4t)** A sickness care plan operated by a cooperative association is
3 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,
4 632.853, 632.855, 632.87 (2m), (3), (4), (5), and (6), 632.895 (10) to ~~(14)~~ (15), and
5 632.897 (10) and chs. 149 and 155.

6 **SECTION 2924.** 185.983 (1) (intro.) of the statutes is amended to read:

7 185.983 **(1)** (intro.) Every such voluntary nonprofit sickness care plan shall be
8 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
9 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
10 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
11 632.855, 632.87 (2m), (3), (4), (5), and (6), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896, and
12 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
13 shall:

14 **SECTION 2925.** 194.23 (1) of the statutes is amended to read:

15 194.23 **(1)** No person may operate any motor vehicle as a common motor carrier
16 unless the person first obtains a certificate and, if required under this chapter, a
17 permit issued by the department, or unless the person is registered by another state
18 under a single-state or unified carrier registration system consistent with the
19 standards under, respectively, 49 USC 14504 or 49 USC 13908 and 14504a, for the
20 operation of the vehicle, except that no permit is required for the operation of a
21 semitrailer. The department may issue or refuse to issue any certificate. The
22 department may attach to the exercise of the privilege granted by a certificate any
23 terms or conditions which are permitted under this chapter.

24 **SECTION 2926.** 194.34 (1) of the statutes is amended to read:

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1 194.34 (1) No person may operate any motor vehicle as a contract motor carrier
2 unless the person first obtains a license and, if required under this chapter, a permit
3 issued by the department, or unless the person is registered by another state under
4 a single-state or unified carrier registration system consistent with the standards
5 under, respectively, 49 USC 14504 or 49 USC 13908 and 14504a, for the operation
6 of the motor vehicle, except that no permit is required for the operation of a
7 semitrailer. The department may refuse to issue any license or may attach to the
8 exercise of the privilege granted by a license any terms or conditions which are
9 permitted under this chapter.

10 **SECTION 2927.** 194.407 of the statutes is created to read:

11 **194.407 Unified carrier registration system. (1)** The department may
12 participate in and do all things necessary to implement and administer a unified
13 carrier registration system for motor carriers, including private motor carriers, in
14 accordance with 49 USC 13908 and 14504a. The department may, consistent with
15 federal law, establish by rule an annual fee under this section for a motor vehicle that
16 is operated in this state and that is subject to the unified carrier registration system.

17 **(2)** The department may not administer both an insurance registration system
18 for motor carriers under s. 194.405 and a registration system for motor carriers
19 under this section.

20 **SECTION 2928.** 194.41 (1) of the statutes is amended to read:

21 194.41 (1) No permit or vehicle registration may be issued to a common motor
22 carrier of property, contract motor carrier, or rental company, no permit or vehicle
23 registration may remain in force to operate any motor vehicle under the authority
24 of this chapter, and no vehicle registration may be issued or remain in force for a
25 semitrailer unless the carrier or rental company has on file with the department and

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1 in effect an approved certificate for a policy of insurance or other written contract in
2 such form and containing such terms and conditions as may be approved by the
3 department issued by an insurer authorized to do a surety or automobile liability
4 business in this state under which the insurer assumes the liability prescribed by
5 this section with respect to the operation of such motor vehicles. The certificate or
6 other contract is subject to the approval of the department and shall provide that the
7 insurer shall be directly liable for and shall pay all damages for injuries to or for the
8 death of persons or for injuries to or destruction of property that may be recovered
9 against the owner or operator of any such motor vehicles by reason of the negligent
10 operation thereof in such amount as the department may require. Liability may be
11 restricted so as to be inapplicable to damage claims on account of injury to or
12 destruction of property transported, but the department may require, and with
13 respect to a carrier transporting a building, as defined in s. 348.27 (12m) (a) 1., shall
14 require, a certificate or other contract protecting the owner of the property
15 transported by carriers from loss or damage in the amount and under the conditions
16 as the department may require. No permit or vehicle registration may be issued to
17 a common motor carrier of passengers by any motor vehicle, or other carrier of
18 passengers by motor bus, except those registered in accordance with s. 341.26 (2) (a)
19 and (d), and no permit or vehicle registration may remain in force to operate any
20 motor vehicle unless it has on file with the department a like certificate or other
21 contract in the form and containing the terms and conditions as may be approved by
22 the department for the payment of damages for injuries to property and injuries to
23 or for the death of persons, including passengers, in the amounts as the department
24 may require. This subsection does not apply to a motor carrier that is registered by

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1 another state under a single-state or unified carrier registration system consistent
2 with the standards under, respectively, 49 USC 14504 or 49 USC 13908 and 14504a.

3 **SECTION 2929.** 196.218 (3) (a) 3. a. of the statutes is amended to read:

4 196.218 (3) (a) 3. a. The amount appropriated under s. 20.155 (1) (q), ~~except~~
5 ~~that in fiscal year 2003–04 the total amount of contributions in that fiscal year under~~
6 ~~this subd. 3. a. may not exceed \$5,000,000 and except that beginning in fiscal year~~
7 ~~2004–05 the total amount of contributions in a fiscal year under this subd. 3. a. may~~
8 ~~not exceed \$6,000,000.~~

9 **SECTION 2930.** 196.218 (5) (a) 7. of the statutes is repealed.

10 **SECTION 2931.** 196.218 (5) (d) 2. of the statutes is amended to read:

11 196.218 (5) (d) 2. The commission shall annually provide information booklets
12 to all Wisconsin ~~works~~ Works agencies that describe the current assistance from the
13 universal service fund that is available to low-income individuals who are served by
14 the Wisconsin ~~works~~ Works agencies, including a description of how such individuals
15 may obtain such assistance. The department of ~~workforce development~~ children and
16 families shall assist the commission in identifying the Wisconsin ~~works~~ Works
17 agencies to which the commission is required to submit the information required
18 under this subdivision.

19 **SECTION 2932.** 196.374 (3) (b) 2. (intro.) of the statutes, as affected by 2005
20 Wisconsin Act 141, is amended to read:

21 196.374 (3) (b) 2. (intro.) The commission shall require each energy utility to
22 spend 1.2 percent of its annual operating revenues to fund the utility's programs
23 under sub. (2) (b) 1., the utility's ordered programs, ~~and~~ the utility's share of the
24 statewide energy efficiency and renewable resource programs under sub. (2) (a) 1.,
25 and the utility's share, as determined by the commission under sub. (3) (b) 4., of the

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1 costs incurred by the commission in administering this section. Subject to approval
2 under subd. 3., the commission may require each energy utility to spend a larger
3 percentage of its annual operating revenues to fund these programs and costs. The
4 commission may make such a requirement based on the commission's consideration
5 of all of the following:

6 **SECTION 2933.** 196.374 (3) (b) 4. of the statutes is created to read:

7 196.374 (3) (b) 4. In each fiscal year, the commission shall collect from the
8 persons with whom energy utilities contract under sub. (2) (a) 1. an amount equal
9 to the costs incurred by the commission in administering this section.

10 **SECTION 2934.** 200.47 (2) (a) of the statutes is amended to read:

11 200.47 (2) (a) Except for a contract awarded under par. (f) and except as
12 provided in par. (b), all work done and all purchases of supplies and materials by the
13 commission shall be by contract awarded to the lowest responsible bidder complying
14 with the invitation to bid, if the work or purchase involves an expenditure of \$20,000
15 or more. If the commission decides to proceed with construction of any sewer after
16 plans and specifications for the sewer are completed and approved by the commission
17 and by the department of natural resources under ch. 281, the commission shall
18 advertise by a class 2 notice under ch. 985 for construction bids. All contracts and
19 the awarding of contracts are subject to s. 66.0901.

20 **SECTION 2935.** 200.47 (2) (f) of the statutes is created to read:

21 200.47 (2) (f) 1. In this paragraph, "design-build construction process" means
22 a project delivery and procurement process for the design, construction, repair,
23 renovation, installation, or demolition of a public works project under which a single
24 entity is responsible for the professional design services and construction services
25 related to the project.

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1 2. The commission may let only one contract under sub. (1) that uses the
2 design-build construction process, and that contract may be let only for a deep
3 tunnel pump station.

4 3. A contract that is let under sub. (1) and that uses the design-build
5 construction process under subd. 2. does not need to comply with s. 200.49, although
6 the commission shall make an effort to ensure that the goal described in s. 200.49 (3)
7 (a) is met and that the good faith effort described in s. 200.49 (3) (b) is made.

8 **SECTION 2936.** 217.05 (1m) (b) 2. of the statutes is amended to read:

9 217.05 (1m) (b) 2. The division may disclose information under par. (a) 1. to the
10 department of ~~workforce development~~ children and families in accordance with a
11 memorandum of understanding under s. 49.857.

12 **SECTION 2937.** 217.05 (1m) (c) 1. of the statutes is amended to read:

13 217.05 (1m) (c) 1. If an applicant who is an individual does not have a social
14 security number, the applicant, as a condition of applying for or applying to renew
15 a license, shall submit a statement made or subscribed under oath or affirmation to
16 the division that the applicant does not have a social security number. The form of
17 the statement shall be prescribed by the department of ~~workforce development~~
18 children and families.

19 **SECTION 2938.** 217.06 (6) of the statutes is amended to read:

20 217.06 (6) If the applicant is an individual, the applicant has not failed to
21 comply, after appropriate notice, with a subpoena or warrant issued by the
22 department of ~~workforce development~~ children and families or a county child
23 support agency under s. 59.53 (5) and related to paternity or child support
24 proceedings and is not delinquent in making court-ordered payments of child or
25 family support, maintenance, birth expenses, medical expenses or other expenses

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1 related to the support of a child or former spouse, as provided in a memorandum of
2 understanding entered into under s. 49.857.

3 **SECTION 2939.** 217.09 (1m) of the statutes is amended to read:

4 217.09 (1m) The division shall restrict or suspend any license issued under this
5 chapter to an individual, if the individual fails to comply, after appropriate notice,
6 with a subpoena or warrant issued by the department of ~~workforce development~~
7 children and families or a county child support agency under s. 59.53 (5) and related
8 to paternity or child support proceedings or is delinquent in making court-ordered
9 payments of child or family support, maintenance, birth expenses, medical expenses
10 or other expenses related to the support of a child or former spouse, as provided in
11 a memorandum of understanding entered into under s. 49.857. A licensee whose
12 license is restricted or suspended under this subsection is entitled to a notice and
13 hearing only as provided in a memorandum of understanding entered into under s.
14 49.857 and is not entitled to any other notice or hearing under this chapter.

15 **SECTION 2940.** 218.0114 (20) (c) of the statutes is amended to read:

16 218.0114 (20) (c) An applicant or licensee furnishing information under par. (a)
17 may designate the information as a trade secret, as defined in s. 134.90 (1) (c), or as
18 confidential business information. The licensor shall notify the applicant or licensee
19 providing the information 15 days before any information designated as a trade
20 secret or as confidential business information is disclosed to the legislature, a state
21 agency, as defined in s. 13.62 (2), a local governmental unit, as defined in s. 605.01
22 (1), or any other person. The applicant or licensee furnishing the information may
23 seek a court order limiting or prohibiting the disclosure, in which case the court shall
24 weigh the need for confidentiality of the information against the public interest in
25 the disclosure. A designation under this paragraph does not prohibit the disclosure

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1 of a person's name or address, of the name or address of a person's employer or of
2 financial information that relates to a person when requested under s. 49.22 (2m) by
3 the department of ~~workforce development~~ children and families or a county child
4 support agency under s. 59.53 (5).

5 **SECTION 2941.** 218.0114 (21e) (a) of the statutes is amended to read:

6 218.0114 (21e) (a) In addition to any other information required under this
7 section and except as provided in par. (c), an application by an individual for the
8 issuance or renewal of a license described in sub. (14) shall include the individual's
9 social security number and an application by a person who is not an individual for
10 the issuance or renewal of a license described in sub. (14) (a), (b), (c) or (e) shall
11 include the person's federal employer identification number. The licensor may not
12 disclose any information received under this paragraph to any person except the
13 department of ~~workforce development~~ children and families for purposes of
14 administering s. 49.22 or the department of revenue for the sole purpose of
15 requesting certifications under s. 73.0301.

16 **SECTION 2942.** 218.0114 (21e) (c) of the statutes is amended to read:

17 218.0114 (21e) (c) If an applicant for the issuance or renewal of a license
18 described in sub. (14) is an individual who does not have a social security number,
19 the applicant, as a condition of applying for or applying to renew the license, shall
20 submit a statement made or subscribed under oath or affirmation to the licensor that
21 the applicant does not have a social security number. The form of the statement shall
22 be prescribed by the department of ~~workforce development~~ children and families.
23 Any license issued or renewed in reliance upon a false statement submitted by an
24 applicant under this paragraph is invalid.

25 **SECTION 2943.** 218.0114 (21g) (b) 2. of the statutes is amended to read:

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1 218.0114 **(21g)** (b) 2. The licensor may disclose information under par. (a) 1. to
2 the department of ~~workforce development~~ children and families in accordance with
3 a memorandum of understanding under s. 49.857.

4 **SECTION 2944.** 218.0114 (21g) (c) of the statutes is amended to read:

5 218.0114 **(21g)** (c) If an applicant for the issuance or renewal of a license
6 described in sub. (16) is an individual who does not have a social security number,
7 the applicant, as a condition of applying for or applying to renew the license, shall
8 submit a statement made or subscribed under oath or affirmation to the licensor that
9 the applicant does not have a social security number. The form of the statement shall
10 be prescribed by the department of ~~workforce development~~ children and families.
11 Any license issued or renewed in reliance upon a false statement submitted by an
12 applicant under this paragraph is invalid.

13 **SECTION 2945.** 218.0116 (1g) (a) of the statutes is amended to read:

14 218.0116 **(1g)** (a) A license described in s. 218.0114 (14) shall be denied,
15 restricted, limited or suspended if the applicant or licensee is an individual who fails
16 to comply, after appropriate notice, with a subpoena or warrant issued by the
17 department of ~~workforce development~~ children and families or a county child
18 support agency under s. 59.53 (5) and related to paternity or child support
19 proceedings or who is delinquent in making court-ordered payments of child or
20 family support, maintenance, birth expenses, medical expenses or other expenses
21 related to the support of a child or former spouse, as provided in a memorandum of
22 understanding entered into under s. 49.857.

23 **SECTION 2946.** 218.0116 (1m) (a) 3. of the statutes is amended to read:

24 218.0116 **(1m)** (a) 3. The applicant is an individual who fails to comply, after
25 appropriate notice, with a subpoena or warrant issued by the department of

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1 ~~workforce development~~ children and families or a county child support agency under
2 s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent
3 in making court-ordered payments of child or family support, maintenance, birth
4 expenses, medical expenses or other expenses related to the support of a child or
5 former spouse, as provided in a memorandum of understanding entered into under
6 s. 49.857. An applicant whose application is denied under this subdivision is entitled
7 to a notice and hearing under s. 49.857 but is not entitled to any other notice or
8 hearing under ss. 218.0101 to 218.0163.

9 **SECTION 2947.** 218.0116 (1m) (b) of the statutes is amended to read:

10 218.0116 **(1m)** (b) A license described in s. 218.0114 (16) shall be restricted or
11 suspended if the licensee is an individual who fails to comply, after appropriate
12 notice, with a subpoena or warrant issued by the department of ~~workforce~~
13 ~~development~~ children and families or a county child support agency under s. 59.53
14 (5) and related to paternity or child support proceedings or who is delinquent in
15 making court-ordered payments of child or family support, maintenance, birth
16 expenses, medical expenses or other expenses related to the support of a child or
17 former spouse, as provided in a memorandum of understanding entered into under
18 s. 49.857. A licensee whose license is restricted or suspended under this paragraph
19 is entitled to a notice and hearing under s. 49.857 but is not entitled to any other
20 notice or hearing under ss. 218.0101 to 218.0163.

21 **SECTION 2948.** 218.0171 (2) (cq) of the statutes is amended to read:

22 218.0171 **(2)** (cq) Upon payment of a refund to a consumer under par. (b) 2. b.,
23 the manufacturer shall provide to the consumer a written statement that specifies
24 the trade-in amount previously applied under s. 77.51 (4) (b) 3. ~~or 3m. or (15) (b) 4.~~
25 ~~or 4m. (12m) (b) 5. or 6. or (15b) (b) 5. or 6.~~ toward the sales price of the motor vehicle

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1 having the nonconformity and the date on which the manufacturer provided the
2 refund.

3 **SECTION 2949.** 218.0171 (2) (e) of the statutes is amended to read:

4 218.0171 (2) (e) The department of revenue shall refund to the manufacturer
5 any sales tax which the manufacturer refunded to the consumer under par. (b) if the
6 manufacturer provides to the department of revenue a written request for a refund
7 within 4 years of the date the manufacturer issued the refund to the consumer along
8 with evidence that the sales tax was paid when the motor vehicle was purchased and
9 that the manufacturer refunded the sales tax to the consumer. The department may
10 not refund any sales tax under this paragraph if it has made a refund in connection
11 with the same motor vehicle under par. (f). Taxes refunded to the manufacturer
12 under this paragraph shall bear interest at 9 percent per year from the date the
13 manufacturer refunded the tax to the consumer to the date on which the refund is
14 certified on the refund rolls.

15 **SECTION 2950.** 218.0171 (2) (f) (intro.) of the statutes is amended to read:

16 218.0171 (2) (f) (intro.) The department of revenue shall refund to a consumer
17 described under sub. (1) (b) 1., 2. or 3. all or part of the sales tax paid by the consumer
18 on the purchase of a new motor vehicle, based on the amount of the refund of the
19 purchase price of the motor vehicle actually received by the consumer, plus interest
20 at 9 percent per year on the amount refunded by the manufacturer from the date of
21 the manufacturer's refund of the purchase price of the vehicle to the date on which
22 the refund is certified on the refund rolls, if all of the following apply:

23 **SECTION 2951.** 218.0171 (2) (f) 3. of the statutes is amended to read:

24 218.0171 (2) (f) 3. The consumer provides the department of revenue with a
25 written request for a refund of the sales tax within 4 years of the date the

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1 manufacturer issued the refund to the consumer, along with evidence that the
2 consumer received a certain amount as a refund of the purchase price of the motor
3 vehicle from the manufacturer, that the sales tax was paid when the motor vehicle
4 was bought new, and that the manufacturer did not refund the sales tax to the
5 consumer.

6 **SECTION 2952.** 218.02 (2) (a) 2. b. of the statutes is amended to read:

7 218.02 (2) (a) 2. b. The division may disclose information under subd. 1. a. to
8 the department of ~~workforce development~~ children and families in accordance with
9 a memorandum of understanding under s. 49.857.

10 **SECTION 2953.** 218.02 (2) (a) 3. of the statutes is amended to read:

11 218.02 (2) (a) 3. If an applicant who is an individual does not have a social
12 security number, the applicant, as a condition of applying for or applying to renew
13 a license under this section, shall submit a statement made or subscribed under oath
14 or affirmation to the division that the applicant does not have a social security
15 number. The form of the statement shall be prescribed by the department of
16 ~~workforce development~~ children and families. Any license issued or renewed in
17 reliance upon a false statement submitted by an applicant under this subdivision is
18 invalid.

19 **SECTION 2954.** 218.02 (3) (e) of the statutes is amended to read:

20 218.02 (3) (e) That, if the applicant is an individual, the applicant has not failed
21 to comply, after appropriate notice, with a subpoena or warrant issued by the
22 department of ~~workforce development~~ children and families or a county child
23 support agency under s. 59.53 (5) and related to paternity or child support
24 proceedings and is not delinquent in making court-ordered payments of child or
25 family support, maintenance, birth expenses, medical expenses or other expenses

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1 related to the support of a child or former spouse, as provided in a memorandum of
2 understanding entered into under s. 49.857.

3 **SECTION 2955.** 218.02 (6) (b) of the statutes is amended to read:

4 218.02 (6) (b) In accordance with a memorandum of understanding entered
5 into under s. 49.857, the division shall restrict or suspend a license if the licensee is
6 an individual who fails to comply, after appropriate notice, with a subpoena or
7 warrant issued by the department of ~~workforce development~~ children and families
8 or a county child support agency under s. 59.53 (5) and related to paternity or child
9 support proceedings or who is delinquent in making court-ordered payments of child
10 or family support, maintenance, birth expenses, medical expenses or other expenses
11 related to the support of a child or former spouse.

12 **SECTION 2956.** 218.02 (9) (a) 2. of the statutes is amended to read:

13 218.02 (9) (a) 2. Applications for licenses that are denied or licenses that are
14 restricted or suspended because the applicant or licensee has failed to comply, after
15 appropriate notice, with a subpoena or warrant issued by the department of
16 ~~workforce development~~ children and families or a county child support agency under
17 s. 59.53 (5) and related to paternity or child support proceedings or is delinquent in
18 making court-ordered payments of child or family support, maintenance, birth
19 expenses, medical expenses or other expenses related to the support of a child or
20 former spouse.

21 **SECTION 2957.** 218.04 (3) (a) 2. b. of the statutes is amended to read:

22 218.04 (3) (a) 2. b. The division may disclose information under subd. 1. a. to
23 the department of ~~workforce development~~ children and families in accordance with
24 a memorandum of understanding under s. 49.857.

25 **SECTION 2958.** 218.04 (3) (a) 3. of the statutes is amended to read:

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1 218.04 (3) (a) 3. If an applicant who is an individual does not have a social
2 security number, the applicant, as a condition of applying for or applying to renew
3 a license under this section, shall submit a statement made or subscribed under oath
4 or affirmation to the division that the applicant does not have a social security
5 number. The form of the statement shall be prescribed by the department of
6 ~~workforce development~~ children and families. Any license issued or renewed in
7 reliance upon a false statement submitted by an applicant under this subdivision is
8 invalid.

9 **SECTION 2959.** 218.04 (4) (am) 3. of the statutes is amended to read:

10 218.04 (4) (am) 3. The applicant fails to comply, after appropriate notice, with
11 a subpoena or warrant issued by the department of ~~workforce development~~ children
12 and families or a county child support agency under s. 59.53 (5) and related to
13 paternity or child support proceedings or is delinquent in making court-ordered
14 payments of child or family support, maintenance, birth expenses, medical expenses
15 or other expenses related to the support of a child or former spouse, as provided in
16 a memorandum of understanding entered into under s. 49.857. An applicant whose
17 application is denied under this subdivision for delinquent payments is entitled to
18 a notice and hearing under s. 49.857 but is not entitled to any other notice or hearing
19 under this section.

20 **SECTION 2960.** 218.04 (5) (am) of the statutes is amended to read:

21 218.04 (5) (am) The division shall restrict or suspend a license issued under
22 this section if the division finds that the licensee is an individual who fails to comply,
23 after appropriate notice, with a subpoena or warrant issued by the department of
24 ~~workforce development~~ children and families or a county child support agency under
25 s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent

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1 in making court-ordered payments of child or family support, maintenance, birth
2 expenses, medical expenses or other expenses related to the support of a child or
3 former spouse, as provided in a memorandum of understanding entered into under
4 s. 49.857. A licensee whose license is restricted or suspended under this paragraph
5 is entitled to a notice and hearing only as provided in a memorandum of
6 understanding entered into under s. 49.857 and is not entitled to any other notice or
7 hearing under this section.

8 **SECTION 2961.** 218.05 (3) (am) 2. b. of the statutes is amended to read:

9 218.05 (3) (am) 2. b. The division may disclose information under subd. 1. a.
10 to the department of ~~workforce development~~ children and families in accordance
11 with a memorandum of understanding under s. 49.857.

12 **SECTION 2962.** 218.05 (3) (am) 3. of the statutes is amended to read:

13 218.05 (3) (am) 3. If an applicant who is an individual does not have a social
14 security number, the applicant, as a condition of applying for or applying to renew
15 a license under this section, shall submit a statement made or subscribed under oath
16 or affirmation to the division that the applicant does not have a social security
17 number. The form of the statement shall be prescribed by the department of
18 ~~workforce development~~ children and families. Any license issued or renewed in
19 reliance upon a false statement submitted by an applicant under this subdivision is
20 invalid.

21 **SECTION 2963.** 218.05 (4) (c) 3. of the statutes is amended to read:

22 218.05 (4) (c) 3. The applicant is an individual who fails to comply, after
23 appropriate notice, with a subpoena or warrant issued by the department of
24 ~~workforce development~~ children and families or a county child support agency under
25 s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent

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1 in making court-ordered payments of child or family support, maintenance, birth
2 expenses, medical expenses or other expenses related to the support of a child or
3 former spouse, as provided in a memorandum of understanding entered into under
4 s. 49.857. An applicant whose application is denied under this subdivision for
5 delinquent payments is entitled to a notice and hearing under s. 49.857 but is not
6 entitled to any notice or hearing under par. (b).

7 **SECTION 2964.** 218.05 (11) (c) of the statutes is amended to read:

8 218.05 (11) (c) The renewal applicant is an individual who fails to comply, after
9 appropriate notice, with a subpoena or warrant issued by the department of
10 ~~workforce development~~ children and families or a county child support agency under
11 s. 59.53 (5) and related to paternity or child support proceedings or is delinquent in
12 making court-ordered payments of child or family support, maintenance, birth
13 expenses, medical expenses or other expenses related to the support of a child or
14 former spouse, as provided in a memorandum of understanding entered into under
15 s. 49.857. An applicant whose application is denied under this subsection for
16 delinquent payments or failure to comply with a subpoena or warrant is entitled to
17 a notice and hearing only as provided in a memorandum of understanding entered
18 into under s. 49.857 and is not entitled to any other notice or hearing under this
19 section.

20 **SECTION 2965.** 218.05 (12) (am) of the statutes is amended to read:

21 218.05 (12) (am) The division shall restrict or suspend any license issued under
22 this section if the licensee is an individual who fails to comply, after appropriate
23 notice, with a subpoena or warrant issued by the department of ~~workforce~~
24 ~~development~~ children and families or a county child support agency under s. 59.53
25 (5) and related to paternity or child support proceedings or who is delinquent in

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1 making court-ordered payments of child or family support, maintenance, birth
2 expenses, medical expenses or other expenses related to the support of a child or
3 former spouse, as provided in a memorandum of understanding entered into under
4 s. 49.857. A licensee whose license is restricted or suspended under this paragraph
5 is entitled to a notice and hearing only as provided in a memorandum of
6 understanding entered into under s. 49.857 and is not entitled to any other notice or
7 hearing under this section.

8 **SECTION 2966.** 218.11 (2) (am) 3. of the statutes is amended to read:

9 218.11 **(2)** (am) 3. The department of commerce may not disclose any
10 information received under subd. 1. to any person except to the department of
11 ~~workforce development~~ children and families for purposes of administering s. 49.22
12 or to the department of revenue for the sole purpose of requesting certifications
13 under s. 73.0301.

14 **SECTION 2967.** 218.11 (2) (am) 4. of the statutes is amended to read:

15 218.11 **(2)** (am) 4. If an applicant who is an individual does not have a social
16 security number, the applicant, as a condition of applying for or applying to renew
17 a license under this section, shall submit a statement made or subscribed under oath
18 or affirmation to the department that the applicant does not have a social security
19 number. The form of the statement shall be prescribed by the department of
20 ~~workforce development~~ children and families. Any license issued or renewed in
21 reliance upon a false statement submitted by an applicant under this subdivision is
22 invalid.

23 **SECTION 2968.** 218.11 (6m) (a) of the statutes is amended to read:

24 218.11 **(6m)** (a) A license under this section shall be denied, restricted, limited
25 or suspended if an applicant or licensee is an individual who is delinquent in making

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1 court-ordered payments of child or family support, maintenance, birth expenses,
2 medical expenses or other expenses related to the support of a child or former spouse,
3 or who fails to comply, after appropriate notice, with a subpoena or warrant issued
4 by the department of ~~workforce development~~ children and families or a county child
5 support agency under s. 59.53 (5) and related to paternity or child support
6 proceedings, as provided in a memorandum of understanding entered into under s.
7 49.857.

8 **SECTION 2969.** 218.12 (2) (am) 2. of the statutes is amended to read:

9 218.12 (2) (am) 2. The department of commerce may not disclose a social
10 security number obtained under par. (a) to any person except to the department of
11 ~~workforce development~~ children and families for the sole purpose of administering
12 s. 49.22 or to the department of revenue for the sole purpose of requesting
13 certifications under s. 73.0301.

14 **SECTION 2970.** 218.12 (2) (am) 3. of the statutes is amended to read:

15 218.12 (2) (am) 3. If an applicant does not have a social security number, the
16 applicant, as a condition of applying for or applying to renew a license under this
17 section, shall submit a statement made or subscribed under oath or affirmation to
18 the department that the applicant does not have a social security number. The form
19 of the statement shall be prescribed by the department of ~~workforce development~~
20 children and families. Any license issued or renewed in reliance upon a false
21 statement submitted by an applicant under this subdivision is invalid.

22 **SECTION 2971.** 218.12 (3m) (a) of the statutes is amended to read:

23 218.12 (3m) (a) A license shall be denied, restricted, limited or suspended if the
24 applicant or licensee is an individual who is delinquent in making court-ordered
25 payments of child or family support, maintenance, birth expenses, medical expenses

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1 or other expenses related to the support of a child or former spouse, or who fails to
2 comply, after appropriate notice, with a subpoena or warrant issued by the
3 department of ~~workforce development~~ children and families or a county child
4 support agency under s. 59.53 (5) and related to paternity or child support
5 proceedings, as provided in a memorandum of understanding entered into under s.
6 49.857.

7 **SECTION 2972.** 218.21 (2f) (a) of the statutes is amended to read:

8 218.21 **(2f)** (a) If an applicant who is an individual does not have a social
9 security number, the applicant, as a condition of applying for or applying to renew
10 a motor vehicle salvage dealer's license, shall submit a statement made or subscribed
11 under oath or affirmation to the department that the applicant does not have a social
12 security number. The form of the statement shall be prescribed by the department
13 of ~~workforce development~~ children and families.

14 **SECTION 2973.** 218.21 (2m) (b) of the statutes is amended to read:

15 218.21 **(2m)** (b) The department of transportation may not disclose any
16 information received under sub. (2) (ag) or (am) to any person except to the
17 department of ~~workforce development~~ children and families for purposes of
18 administering s. 49.22 or the department of revenue for the sole purpose of
19 requesting certifications under s. 73.0301.

20 **SECTION 2974.** 218.22 (3m) (a) of the statutes is amended to read:

21 218.22 **(3m)** (a) The department shall deny, restrict, limit or suspend a license
22 if the applicant or licensee is an individual who is delinquent in making
23 court-ordered payments of child or family support, maintenance, birth expenses,
24 medical expenses or other expenses related to the support of a child or former spouse,
25 or who fails to comply, after appropriate notice, with a subpoena or warrant issued

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1 by the department of ~~workforce development~~ children and families or a county child
2 support agency under s. 59.53 (5) and related to paternity or child support
3 proceedings, as provided in a memorandum of understanding entered into under s.
4 49.857.

5 **SECTION 2975.** 218.31 (1f) (a) of the statutes is amended to read:

6 218.31 **(1f)** (a) If an applicant who is an individual does not have a social
7 security number, the applicant, as a condition of applying for or applying to renew
8 a motor vehicle auction dealer's license, shall submit a statement made or subscribed
9 under oath or affirmation to the department that the applicant does not have a social
10 security number. The form of the statement shall be prescribed by the department
11 of ~~workforce development~~ children and families.

12 **SECTION 2976.** 218.31 (1m) (b) of the statutes is amended to read:

13 218.31 **(1m)** (b) The department of transportation may not disclose any
14 information received under sub. (1) (ag) or (am) to any person except to the
15 department of ~~workforce development~~ children and families for purposes of
16 administering s. 49.22 or the department of revenue for the sole purpose of
17 requesting certifications under s. 73.0301.

18 **SECTION 2977.** 218.32 (3m) (a) of the statutes is amended to read:

19 218.32 **(3m)** (a) The department shall deny, restrict, limit or suspend a license
20 if the applicant or licensee is an individual who is delinquent in making
21 court-ordered payments of child or family support, maintenance, birth expenses,
22 medical expenses or other expenses related to the support of a child or former spouse,
23 or who fails to comply, after appropriate notice, with a subpoena or warrant issued
24 by the department of ~~workforce development~~ children and families or a county child
25 support agency under s. 59.53 (5) and related to paternity or child support

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1 proceedings, as provided in a memorandum of understanding entered into under s.
2 49.857.

3 **SECTION 2978.** 218.41 (2) (am) 2. of the statutes is amended to read:

4 218.41 (2) (am) 2. The department of transportation may not disclose any
5 information received under subd. 1. a. or b. to any person except to the department
6 of ~~workforce development~~ children and families for the sole purpose of administering
7 s. 49.22 or the department of revenue for the sole purpose of requesting certifications
8 under s. 73.0301.

9 **SECTION 2979.** 218.41 (2) (am) 3. of the statutes is amended to read:

10 218.41 (2) (am) 3. If an applicant who is an individual does not have a social
11 security number, the applicant, as a condition of applying for or applying to renew
12 a license under this section, shall submit a statement made or subscribed under oath
13 or affirmation to the department that the applicant does not have a social security
14 number. The form of the statement shall be prescribed by the department of
15 ~~workforce development~~ children and families. Any license issued or renewed in
16 reliance upon a false statement submitted by an applicant under this subdivision is
17 invalid.

18 **SECTION 2980.** 218.41 (3m) (a) of the statutes is amended to read:

19 218.41 (3m) (a) A license shall be denied, restricted, limited or suspended if the
20 applicant or licensee is an individual who is delinquent in making court-ordered
21 payments of child or family support, maintenance, birth expenses, medical expenses
22 or other expenses related to the support of a child or former spouse, or who fails to
23 comply, after appropriate notice, with a subpoena or warrant issued by the
24 department of ~~workforce development~~ children and families or a county child
25 support agency under s. 59.53 (5) and related to paternity or child support

SENATE BILL 40**SECTION 2980**

1 proceedings, as provided in a memorandum of understanding entered into under s.
2 49.857.

3 **SECTION 2981.** 218.51 (3) (am) 2. of the statutes is amended to read:

4 218.51 **(3)** (am) 2. The department of transportation may not disclose any
5 information received under subd. 1. a. or b. to any person except to the department
6 of workforce development children and families for the sole purpose of administering
7 s. 49.22 or the department of revenue for the sole purpose of requesting certifications
8 under s. 73.0301.

9 **SECTION 2982.** 218.51 (3) (am) 3. of the statutes is amended to read:

10 218.51 **(3)** (am) 3. If an applicant for the issuance or renewal of a buyer
11 identification card is an individual who does not have a social security number, the
12 applicant, as a condition of applying for or applying to renew the buyer identification
13 card, shall submit a statement made or subscribed under oath or affirmation to the
14 department that the applicant does not have a social security number. The form of
15 the statement shall be prescribed by the department of workforce development
16 children and families. Any buyer identification card issued or renewed in reliance
17 upon a false statement submitted by an applicant under this subdivision is invalid.

18 **SECTION 2983.** 218.51 (4m) (a) of the statutes is amended to read:

19 218.51 **(4m)** (a) The department shall deny, restrict, limit or suspend a license
20 if the applicant or licensee is an individual who is delinquent in making
21 court-ordered payments of child or family support, maintenance, birth expenses,
22 medical expenses or other expenses related to the support of a child or former spouse,
23 or who fails to comply, after appropriate notice, with a subpoena or warrant issued
24 by the department of workforce development children and families or a county child
25 support agency under s. 59.53 (5) and related to paternity or child support

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1 proceedings, as provided in a memorandum of understanding entered into under s.
2 49.857.

3 **SECTION 2984.** 221.0903 (4) (b) of the statutes is amended to read:

4 221.0903 (4) (b) *Contracts for examination services.* The division may enter
5 into contracts with any bank supervisory agency with concurrent jurisdiction over
6 a state bank or an in-state branch of an out-of-state state bank to engage the
7 services of the agency's examiners at a reasonable rate of compensation, or to provide
8 the services of the division's examiners to the agency at a reasonable rate of
9 compensation. Contracts entered into under this paragraph are exempt from ss.
10 16.70 to 16.752, 16.754 to 16.76, and 16.767 to 16.77, and 16.78 to 16.82.

11 **SECTION 2985.** 224.40 (2) of the statutes is amended to read:

12 224.40 (2) FINANCIAL RECORD MATCHING AGREEMENTS. A financial institution is
13 required to enter into an agreement with the department of ~~workforce development~~
14 children and families in accordance with rules promulgated under s. 49.853 (2).

15 **SECTION 2986.** 224.40 (3) (b) of the statutes is amended to read:

16 224.40 (3) (b) Disclosing information to the department of ~~workforce~~
17 ~~development~~ children and families or a county child support agency pursuant to the
18 financial record matching program under s. 49.853.

19 **SECTION 2987.** 224.40 (3) (c) of the statutes is amended to read:

20 224.40 (3) (c) Encumbering or surrendering any assets held by the financial
21 institution in response to instructions provided by the department of ~~workforce~~
22 ~~development~~ children and families or a county child support agency for the purpose
23 of enforcing a child support obligation.

24 **SECTION 2988.** 224.72 (2) (c) 2. b. of the statutes is amended to read:

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1 224.72 (2) (c) 2. b. The department may disclose information under subd. 1. a.
2 to the department of ~~workforce development~~ children and families in accordance
3 with a memorandum of understanding under s. 49.857.

4 **SECTION 2989.** 224.72 (2) (d) 1. of the statutes is amended to read:

5 224.72 (2) (d) 1. If an applicant who is an individual does not have a social
6 security number, the applicant, as a condition of applying for or applying to renew
7 a registration under this section, shall submit a statement made or subscribed under
8 oath or affirmation to the division that the applicant does not have a social security
9 number. The form of the statement shall be prescribed by the department of
10 ~~workforce development~~ children and families.

11 **SECTION 2990.** 224.72 (7m) (c) of the statutes is amended to read:

12 224.72 (7m) (c) The applicant for the issuance or renewal is an individual who
13 fails to comply, after appropriate notice, with a subpoena or warrant issued by the
14 department of ~~workforce development~~ children and families or a county child
15 support agency under s. 59.53 (5) and related to paternity or child support
16 proceedings or who is delinquent in making court-ordered payments of child or
17 family support, maintenance, birth expenses, medical expenses or other expenses
18 related to the support of a child or former spouse, as provided in a memorandum of
19 understanding entered into under s. 49.857. An applicant whose registration is not
20 issued or renewed under this paragraph for delinquent payments is entitled to a
21 notice and hearing under s. 49.857 but is not entitled to any other notice or hearing
22 under this section.

23 **SECTION 2991.** 224.77 (6) of the statutes is amended to read:

24 224.77 (6) RESTRICTION OR SUSPENSION OF REGISTRATION. The department shall
25 restrict or suspend the registration of a mortgage banker, loan originator or

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1 mortgage broker if the registrant is an individual who fails to comply, after
2 appropriate notice, with a subpoena or warrant issued by the department of
3 ~~workforce development~~ children and families or a county child support agency under
4 s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent
5 in making court-ordered payments of child or family support, maintenance, birth
6 expenses, medical expenses or other expenses related to the support of a child or
7 former spouse, as provided in a memorandum of understanding entered into under
8 s. 49.857. A registrant whose registration is restricted or suspended under this
9 subsection is entitled to a notice and hearing only as provided in a memorandum of
10 understanding entered into under s. 49.857 and is not entitled to any other notice or
11 hearing under this section.

12 **SECTION 2992.** 224.927 (2) of the statutes is amended to read:

13 224.927 (2) The division may disclose the information to the department of
14 ~~workforce development~~ children and families in accordance with a memorandum of
15 understanding under s. 49.857.

16 **SECTION 2993.** 224.95 (1) (c) of the statutes is amended to read:

17 224.95 (1) (c) The applicant is an individual who has failed to comply, after
18 appropriate notice, with a subpoena or warrant issued by the department of
19 ~~workforce development~~ children and families or a county child support agency under
20 s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent
21 in making court-ordered payments of child or family support, maintenance, birth
22 expenses, medical expenses or other expenses related to the support of a child or
23 former spouse, as provided in a memorandum of understanding entered into under
24 s. 49.857. An applicant whose application for issuance or renewal of a license is

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1 denied under this paragraph is entitled to a notice and a hearing under s. 49.857 but
2 is not entitled to a notice or hearing under sub. (4).

3 **SECTION 2994.** 227.01 (13) (im) of the statutes is created to read:

4 227.01 (13) (im) Relates to the real work, real pay pilot project under s. 49.147
5 (3m).

6 **SECTION 2995.** 227.01 (13) (sm) of the statutes is repealed.

7 **SECTION 2996.** 227.01 (13) (um) of the statutes is amended to read:

8 227.01 (13) (um) Lists over-the-counter drugs covered by ~~medical assistance~~
9 Medical Assistance under s. 49.46 (2) (b) 6. i. or 49.471 (11) (a).

10 **SECTION 2997.** 227.01 (13) (zx) of the statutes is created to read:

11 227.01 (13) (zx) Determines a fee under s. 440.03 (9) for an initial credential
12 for which no examination is required, for a reciprocal credential, or for a credential
13 renewal.

14 **SECTION 2998.** 227.43 (1) (by) of the statutes is amended to read:

15 227.43 (1) (by) Assign a hearing examiner to preside over any hearing of a
16 contested case that is required to be conducted by the department of ~~workforce~~
17 development children and families under ch. 48 or subch. III of ch. 49 and that is not
18 conducted by the secretary of ~~workforce development children and families.~~

19 **SECTION 2999.** 227.43 (2) (d) of the statutes is amended to read:

20 227.43 (2) (d) The department of ~~workforce development children and families~~
21 shall notify the division of hearings and appeals of every pending hearing to which
22 the administrator of the division is required to assign a hearing examiner under sub.
23 (1) (by) after the department of ~~workforce development children and families~~ is
24 notified that a hearing on the matter is required.

25 **SECTION 3000.** 227.43 (3) (d) of the statutes is amended to read:

SENATE BILL 40**SECTION 3000**

1 227.43 (3) (d) The administrator of the division of hearings and appeals may
2 set the fees to be charged for any services rendered to the department of workforce
3 development children and families by a hearing examiner under this section in a
4 manner consistent with a federally approved allocation methodology. The fees shall
5 cover the total cost of the services.

6 **SECTION 3001.** 227.43 (4) (d) of the statutes is amended to read:

7 227.43 (4) (d) The department of ~~workforce development~~ children and families
8 shall pay all costs of the services of a hearing examiner, including support services,
9 assigned under sub. (1) (by), according to the fees set under sub. (3) (d).

10 **SECTION 3002.** 227.54 of the statutes is amended to read:

11 **227.54 Stay of proceedings.** The institution of the proceeding for review
12 shall not stay enforcement of the agency decision. The reviewing court may order a
13 stay upon such terms as it deems proper, except as otherwise provided in ss. 49.17
14 (7), 196.43, ~~253.06 (7)~~, 448.02 (9), and 551.62.

15 **SECTION 3003.** 230.01 (3) of the statutes is amended to read:

16 230.01 (3) Nothing in this chapter shall be construed to either infringe upon
17 or supersede the rights guaranteed state employees under subch. V or VI of ch. 111.

18 **SECTION 3004.** 230.03 (3) of the statutes is amended to read:

19 230.03 (3) “Agency” means any board, commission, committee, council, or
20 department in state government or a unit thereof created by the constitution or
21 statutes if such board, commission, committee, council, department, unit, or the
22 head thereof, is authorized to appoint subordinate staff by the constitution or
23 statute, except a legislative or judicial board, commission, committee, council,
24 department, or unit thereof or an authority created under subch. II of ch. 114 or
25 subch. III of ch. 149 or under ch. 231, 232, 233, 234, 235, ~~or 237~~, or 238. “Agency” does

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1 not mean any local unit of government or body within one or more local units of
2 government that is created by law or by action of one or more local units of
3 government.

4 **SECTION 3005.** 230.046 (10) (a) of the statutes is amended to read:

5 230.046 (10) (a) Conduct off-the-job employee development and training
6 programs relating to functions under this chapter or subch. V or VI of ch. 111.

7 **SECTION 3006.** 230.08 (2) (e) 1. of the statutes is amended to read:

8 230.08 (2) (e) 1. Administration — ~~13~~ 15.

9 **SECTION 3007.** 230.08 (2) (e) 2m. of the statutes is created to read:

10 230.08 (2) (e) 2m. Children and families — 5.

11 **SECTION 3008.** 230.08 (2) (e) 6. of the statutes is amended to read:

12 230.08 (2) (e) 6. Workforce development — ~~7~~ 6.

13 **SECTION 3009.** 230.08 (2) (eg) of the statutes is created to read:

14 230.08 (2) (eg) A general counsel position in each of the following agencies:

15 1. Department of administration.

16 2. Department of agriculture, trade and consumer protection.

17 2m. Department of children and families.

18 3. Department of commerce.

19 4. Department of corrections.

20 5. Department of financial institutions.

21 6. Department of health and family services.

22 7. Department of natural resources.

23 8. Department of regulation and licensing.

24 9. Department of revenue.

25 10. Department of transportation.

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1 11. Department of workforce development.

2 12. Office of the commissioner of insurance.

3 **SECTION 3010.** 230.08 (2) (L) 6. of the statutes is repealed and recreated to read:

4 230.08 (2) (L) 6. Bureau of criminal justice research.

5 **SECTION 3011.** 230.08 (2) (of) of the statutes is amended to read:

6 230.08 (2) (of) The executive staff director of the ~~sentencing commission~~ bureau
7 of criminal justice research.

8 **SECTION 3012.** 230.08 (2) (pd) of the statutes is amended to read:

9 230.08 (2) (pd) The chairperson of the parole earned release review
10 commission.

11 **SECTION 3013.** 230.08 (2) (tv) of the statutes is amended to read:

12 230.08 (2) (tv) The director of the office of urban development in the
13 department of ~~health and family services~~ children and families, appointed under s.
14 48.48 (16m).

15 **SECTION 3014.** 230.08 (2) (yc) of the statutes is created to read:

16 230.08 (2) (yc) Two persons employed by the department of commerce engaged
17 in advertising, marketing, and promotional activities within the United States for
18 economic development of, and business recruitment to, this state.

19 **SECTION 3015.** 230.12 (3) (e) 1. of the statutes is amended to read:

20 230.12 (3) (e) 1. The director, after receiving recommendations from the board
21 of regents, shall submit to the joint committee on employment relations a proposal
22 for adjusting compensation and employee benefits for employees under ss. 20.923
23 (4g), (5) and (6) (m) and 230.08 (2) (d) who are not included in a collective bargaining
24 unit under subch. V or VI of ch. 111 for which a representative is certified. The
25 proposal shall include the salary ranges and adjustments to the salary ranges for the

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1 university senior executive salary groups 1 and 2 established under s. 20.923 (4g).
2 The proposal shall be based upon the competitive ability of the board of regents to
3 recruit and retain qualified faculty and academic staff, data collected as to rates of
4 pay for comparable work in other public services, universities and commercial and
5 industrial establishments, recommendations of the board of regents and any special
6 studies carried on as to the need for any changes in compensation and employee
7 benefits to cover each year of the biennium. The proposal shall also take proper
8 account of prevailing pay rates, costs and standards of living and the state's
9 employment policies. The proposal for such pay adjustments may contain
10 recommendations for across-the-board pay adjustments, merit or other
11 adjustments and employee benefit improvements. Paragraph (b) and sub. (1) (bf)
12 shall apply to the process for approval of all pay adjustments for such employees
13 under ss. 20.923 (4g), (5) and (6) (m) and 230.08 (2) (d). The proposal as approved
14 by the joint committee on employment relations and the governor shall be based
15 upon a percentage of the budgeted salary base for such employees under ss. 20.923
16 (4g), (5) and (6) (m) and 230.08 (2) (d). The amount included in the proposal for merit
17 and adjustments other than across-the-board pay adjustments is available for
18 discretionary use by the board of regents.

19 **SECTION 3016.** 230.13 (3) (a) of the statutes is amended to read:

20 230.13 (3) (a) The director and the administrator shall provide to the
21 department of ~~workforce development~~ children and families or a county child
22 support agency under s. 59.53 (5) information requested under s. 49.22 (2m) that
23 would otherwise be closed to the public under this section. Information provided
24 under this paragraph may only include an individual's name and address, an
25 individual's employer and financial information related to an individual.

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1 **SECTION 3017.** 230.147 (1) of the statutes is amended to read:

2 230.147 (1) Each appointing authority of an agency with more than 100
3 authorized permanent full-time equivalent positions shall prepare and implement
4 a plan of action to employ persons who, at the time determined under sub. (4), receive
5 aid under s. 49.19, or benefits under s. 49.147 (3) to (5), with the goal of making the
6 ratio of those persons occupying permanent positions in the agency to the total
7 number of persons occupying permanent positions in the agency equal to the ratio
8 of the average case load receiving aid under s. 49.19, or benefits under s. 49.147 (3)
9 to (5), in this state in the previous fiscal year to the average number of persons in the
10 state civilian labor force in the preceding fiscal year, as determined by the
11 department of ~~workforce development~~ children and families.

12 **SECTION 3018.** 230.147 (2) of the statutes is amended to read:

13 230.147 (2) Each appointing authority of an agency with 100 or fewer
14 authorized permanent full-time equivalent positions is encouraged to employ
15 persons who, at the time determined under sub. (4), receive aid under s. 49.19, or
16 benefits under s. 49.147 (3) to (5), to attempt to make the ratio of those persons
17 occupying permanent positions in the agency to the total number of persons
18 occupying permanent positions in the agency equal to the ratio of the average case
19 load receiving aid under s. 49.19, or benefits under s. 49.147 (3) to (5) in this state
20 in the previous fiscal year to the average number of persons in the state civilian labor
21 force in the preceding fiscal year, as determined by the department of ~~workforce~~
22 ~~development~~ children and families.

23 **SECTION 3019.** 230.35 (2d) (e) of the statutes is amended to read:

24 230.35 (2d) (e) For employees who are included in a collective bargaining unit
25 for which a representative is recognized or certified under subch. V or VI of ch. 111,

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1 this subsection shall apply unless otherwise provided in a collective bargaining
2 agreement.

3 **SECTION 3020.** 230.35 (3) (e) 6. of the statutes is amended to read:

4 230.35 (3) (e) 6. For employees who are included in a collective bargaining unit
5 for which a representative is recognized or certified under subch. V or VI of ch. 111,
6 this paragraph shall apply unless otherwise provided in a collective bargaining
7 agreement.

8 **SECTION 3021.** 230.88 (2) (b) of the statutes is amended to read:

9 230.88 (2) (b) No collective bargaining agreement supersedes the rights of an
10 employee under this subchapter. However, nothing in this subchapter affects any
11 right of an employee to pursue a grievance procedure under a collective bargaining
12 agreement under subch. V or VI of ch. 111, and if the division of equal rights
13 determines that a grievance arising under such a collective bargaining agreement
14 involves the same parties and matters as a complaint under s. 230.85, it shall order
15 the arbitrator's final award on the merits conclusive as to the rights of the parties
16 to the complaint, on those matters determined in the arbitration which were at issue
17 and upon which the determination necessarily depended.

18 **SECTION 3022.** 231.03 (intro.) of the statutes is amended to read:

19 **231.03 Powers.** (intro.) The authority has all the powers necessary or
20 convenient to carry out and effectuate the purposes and provisions of this chapter.
21 In addition to all other powers granted by this chapter, subject to s. 231.035, the
22 authority may:

23 **SECTION 3023.** 231.035 of the statutes is created to read:

24 **231.035 Approval by secretary of health and family services.** Beginning
25 on the effective date of this section ... [revisor inserts date], the authority shall

SENATE BILL 40**SECTION 3023**

1 inform the secretary of health and family services of any health facility or
2 participating health institution that seeks financial assistance under s. 231.03. The
3 authority may not provide any financial assistance to such a health facility or
4 participating health institution unless the secretary of health and family services
5 determines, under s. 146.76, that the health facility or participating health
6 institution demonstrates progress in improving medical information systems
7 technology.

8 **SECTION 3024.** 234.01 (4n) (a) 3m. e. of the statutes is amended to read:

9 234.01 **(4n)** (a) 3m. e. The facility is located in a targeted area, as determined
10 by the authority after considering the factors set out in s. ~~560.605 (2m) (a) to (h)~~
11 560.605 (2m) (c), 2005 stats., s. 560.605 (2m) (d), 2005 stats., s. 560.605 (2m) (e), 2005
12 stats., and s. 560.605 (2m) (a), (b), and (f) to (h).

13 **SECTION 3025.** 234.165 (2) (c) (intro.) of the statutes, as affected by 2005
14 Wisconsin Act 25, is amended to read:

15 234.165 **(2)** (c) (intro.) ~~Surplus~~ Except as provided in sub. (3), surplus may be
16 expended or encumbered only in accordance with the plan approved under par. (b),
17 except that the authority may transfer from one plan category to another:

18 **SECTION 3026.** 234.165 (2) (c) (intro.) of the statutes, as affected by 2007
19 Wisconsin Act (this act), is amended to read:

20 234.165 **(2)** (c) (intro.) ~~Except as provided in sub. (3), surplus~~ Surplus may be
21 expended or encumbered only in accordance with the plan approved under par. (b),
22 except that the authority may transfer from one plan category to another:

23 **SECTION 3027.** 234.165 (3) of the statutes is created to read:

24 234.165 **(3)** For the purpose of housing grants and loans under s. 560.9803 and
25 housing grants under s. 560.9805, in fiscal year 2007–08 the authority shall transfer

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1 to the department of commerce \$2,000,000 of its actual surplus under this section
2 and in fiscal year 2008–09 the authority shall transfer to the department of
3 commerce \$2,000,000 of its actual surplus under this section.

4 **SECTION 3028.** 234.165 (3) of the statutes, as affected by 2007 Wisconsin Act
5 (this act), is repealed.

6 **SECTION 3029.** 236.335 of the statutes is amended to read:

7 **236.335 Prohibited subdividing; forfeit.** No lot or parcel in a recorded plat
8 may be divided, or used if so divided, for purposes of sale or building development if
9 the resulting lots or parcels do not conform to this chapter, to any applicable
10 ordinance of the approving authority or to the rules of the department of ~~workforce~~
11 ~~development~~ commerce under s. 236.13. Any person making or causing such a
12 division to be made shall forfeit not less than \$100 nor more than \$500 to the
13 approving authority, or to the state if there is a violation of this chapter or the rules
14 of the department of ~~workforce development~~ commerce.

15 **SECTION 3030.** Chapter 238 of the statutes is created to read:

16 **CHAPTER 238**

17 **HEALTHY WISCONSIN AUTHORITY**

18 **238.01 Definitions.** In this chapter:

19 (1) “Authority” means the Healthy Wisconsin Authority.

20 (2) “Board” means the board of directors of the authority.

21 (3) “Health benefit purchasing cooperative” means a cooperative under s.
22 185.99.

23 (4) “Small group market” has the meaning given in s. 632.745 (26).

24 **238.05 Creation and organization of authority.** (1) There is created a
25 public body corporate and politic to be known as the “Healthy Wisconsin Authority.”

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1 The board of directors of the authority shall consist of the commissioner of insurance,
2 or his or her designee, as a nonvoting member, and the following 13 members, who
3 shall serve 4-year terms:

4 (a) One majority party senator appointed by the senate majority leader.

5 (b) One minority party senator appointed by the senate minority leader.

6 (c) One majority party representative to the assembly appointed by the speaker
7 of the assembly.

8 (d) One minority party representative to the assembly appointed by the
9 assembly minority leader.

10 (e) Nine nominees of the governor, appointed with the advice and consent of the
11 senate, consisting of all of the following:

12 1. One health care provider.

13 2. One representative of a Wisconsin health insurance company that offers
14 coverage in the small group market.

15 3. One representative of a Wisconsin small employer.

16 4. One representative of Wisconsin labor unions.

17 5. One representative of health benefit purchasing cooperatives.

18 6. Four other members who represent the public interest.

19 **(2)** Each member of the board shall hold office until a successor is appointed
20 and qualified unless the member vacates or is removed from his or her office. A
21 member who serves as a result of holding another office or position vacates his or her
22 office as a member when he or she vacates the other office or position. A member who
23 ceases to qualify for office vacates his or her office. A vacancy on the board shall be
24 filled in the same manner as the original appointment to the board for the remainder
25 of the unexpired term, if any.

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1 **(3)** Annually, the governor shall appoint one member as chairperson, and the
2 members of the board may elect other officers as they consider appropriate.

3 **(4)** The board shall appoint an executive director. The executive director shall
4 not be a member of the board and shall serve at the pleasure of the board. The
5 authority may delegate by resolution to one or more of its members or its executive
6 director any powers and duties that it considers proper. The executive director shall
7 receive such compensation as may be determined by the board. The executive
8 director or other person designated by resolution of the board shall keep a record of
9 the proceedings of the authority and shall be custodian of all books, documents, and
10 papers filed with the authority, the minute book or journal of the authority, and its
11 official seal. The executive director or other person may cause copies to be made of
12 all minutes and other records and documents of the authority and may give
13 certificates under the official seal of the authority to the effect that such copies are
14 true copies, and all persons dealing with the authority may rely upon such
15 certificates.

16 **(5)** A majority of the members of the board constitutes a quorum for the purpose
17 of conducting its business and exercising its powers and for all other purposes,
18 notwithstanding the existence of any vacancies. Action may be taken by the board
19 upon a vote of a majority of the members present. Meetings of the members of the
20 board may be held anywhere within or without the state.

21 **(6)** A member of the board may not be compensated for his or her services but
22 shall be reimbursed for actual and necessary expenses incurred in the performance
23 of his or her duties, including travel expenses, subject to uniform travel schedule
24 amounts approved under s. 20.916 (8).

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1 **(7)** No cause of action may arise against and no civil liability may be imposed
2 upon a member or executive director of the authority for any act or omission in the
3 performance of his or her powers and duties under this chapter, unless the person
4 asserting liability proves that the act or omission constitutes willful misconduct.

5 **238.10 Powers of authority. (1)** Except as restricted under sub. (2), the
6 authority shall have all the powers necessary or convenient to carry out the purposes
7 and provisions of this chapter. In addition to all other powers granted by this chapter,
8 the authority may:

9 (a) Adopt, amend, and repeal bylaws and policies and procedures for the
10 regulation of its affairs and the conduct of its business.

11 (b) Have a seal and alter the seal at pleasure.

12 (c) Maintain an office.

13 (d) Sue and be sued.

14 (e) Accept gifts, grants, loans, or other contributions from private or public
15 sources.

16 (f) Establish the authority's annual budget and monitor the fiscal management
17 of the authority.

18 (g) Execute contracts and other instruments, including contracts for any
19 professional services required for the authority.

20 (h) Employ any officers, agents, and employees that it may require and
21 determine their qualifications and compensation.

22 (i) Procure liability insurance.

23 **(2)** The authority may not issue bonds.

24 **238.15 Catastrophic health care reinsurance program. (1)** In addition
25 to all other duties under this chapter, the authority shall do all of the following:

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1 (a) Study options and develop recommendations for implementing a
2 reinsurance program to provide reinsurance to groups or individuals, or both, in this
3 state for catastrophic claims under group or individual, or both, health insurance
4 policies.

5 (b) No later than September 15, 2008, submit to the secretary of administration
6 a report with its recommendations for implementing a reinsurance program
7 described in par. (a).

8 (c) Develop and administer a reinsurance program in accordance with any
9 legislation enacted that requires or authorizes the authority to do so.

10 **(2)** (a) In developing its recommendations for a reinsurance program under
11 sub. (1), the authority shall do all of the following:

- 12 1. Develop guidelines for defining high-cost claims and attachment points.
- 13 2. Set premiums to be paid for the reinsurance coverage, based on the number
14 of covered lives included in the reinsurance pool.
- 15 3. Set coinsurance rates for claims paid.
- 16 4. Design all other program features.

17 (b) The authority may do all of the following:

- 18 1. Consider the impact of, and make recommendations to the governor on,
19 allowing health benefit purchasing cooperatives to participate in a reinsurance
20 program implemental under this section.

- 21 2. Evaluate the challenges faced by American Indian tribes and bands in this
22 state and other sectors of the group health insurance market and make
23 recommendations to the governor on proposals to reduce health insurance premiums
24 for the tribes and bands and other sectors.

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1 3. Explore other ways to lower health care costs and to increase access to and
2 improve the quality of health care, including considering options for comprehensive
3 health care reform.

4 **(3)** The authority may contract with a vendor to administer any reinsurance
5 program implemented under this section, including the performance of such
6 responsibilities as estimating reinsurance premiums, paying claims, customer
7 service, and day-to-day administration.

8 **238.20 Annual evaluations.** Annually, after implementation of any
9 reinsurance program under this section, the authority shall contract with an
10 independent entity to conduct an evaluation of the program and a financial audit of
11 the most recent fiscal year ending before the audit. The program evaluation shall
12 include a review of best practices that may impact appropriate use of health care and
13 disease management. The authority shall make any necessary adjustments or
14 improvements if, as a result of the evaluation or audit, problems or deficiencies are
15 determined to exist. After each evaluation and audit, the authority shall explore the
16 feasibility of expanding the program to cover more state residents. The authority
17 shall submit to the governor a report of the results of each evaluation and audit no
18 later than January 1 of the year beginning after the year in which the evaluation and
19 audit are conducted.

20 **SECTION 3031.** 250.041 (1m) of the statutes is amended to read:

21 250.041 **(1m)** If an individual who applies for or to renew a registration, license,
22 certification, approval, permit or certificate under sub. (1) does not have a social
23 security number, the individual, as a condition of obtaining the registration, license,
24 certification, approval, permit or certificate, shall submit a statement made or
25 subscribed under oath or affirmation to the department that the applicant does not

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1 have a social security number. The form of the statement shall be prescribed by the
2 department of ~~workforce development~~ children and families. A registration, license,
3 certification, approval, permit or certificate issued or renewed in reliance upon a
4 false statement submitted under this subsection is invalid.

5 **SECTION 3032.** 250.041 (2) of the statutes is amended to read:

6 250.041 (2) The department of health and family services may not disclose any
7 information received under sub. (1) to any person except to the department of
8 ~~workforce development~~ children and families for the purpose of making
9 certifications required under s. 49.857.

10 **SECTION 3033.** 250.041 (3) of the statutes is amended to read:

11 250.041 (3) The department of health and family services shall deny an
12 application for the issuance or renewal of a registration, license, certification,
13 approval, permit or certificate specified in sub. (1) or may, under a memorandum of
14 understanding under s. 49.857 (2), suspend or restrict a registration, license,
15 certification, approval, permit or certificate specified in sub. (1) if the department of
16 ~~workforce development~~ children and families certifies under s. 49.857 that the
17 applicant for or holder of the registration, license, certification, approval, permit or
18 certificate is delinquent in the payment of court-ordered payments of child or family
19 support, maintenance, birth expenses, medical expenses or other expenses related
20 to the support of a child or former spouse or fails to comply, after appropriate notice,
21 with a subpoena or warrant issued by the department of ~~workforce development~~
22 children and families or a county child support agency under s. 59.53 (5) and related
23 to paternity or child support proceedings.

24 **SECTION 3034.** 250.17 of the statutes is created to read:

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1 **250.17 Translational research program. (1)** In this section, “translational
2 research” means the transfer of knowledge gained from basic research to new and
3 improved methods of preventing, diagnosing, or treating disease, as well as the
4 transfer of clinical insights into hypotheses that can be tested and validated in the
5 basic research laboratory.

6 **(2)** The Medical College of Wisconsin, Inc., shall use the moneys appropriated
7 under s. 20.250 (2) (b) for translational research projects. These moneys may not be
8 used to supplant funds available for translational research from other sources.

9 **(3)** Annually by January 1, the Medical College of Wisconsin, Inc., shall report
10 to the appropriate standing committees of the legislature under s. 13.172 (3) and to
11 the governor on the translational research projects it has conducted under sub. (2)
12 in the previous fiscal year.

13 **SECTION 3035.** 252.04 (11) of the statutes is repealed.

14 **SECTION 3036.** 252.12 (2) (c) 1. (intro.) of the statutes is amended to read:

15 252.12 **(2)** (c) 1. (intro.) From the appropriation under s. 20.435 ~~(3)~~ (5) (md), the
16 department shall award to applying nonprofit corporations or public agencies up to
17 \$75,000 in each fiscal year, on a competitive basis, as grants for services to prevent
18 HIV. Criteria for award of the grants shall include all of the following:

19 **SECTION 3037.** 252.16 (1) (d) of the statutes is amended to read:

20 252.16 **(1)** (d) “Medicare” ~~has the meaning given in s. 49.498 (1) (f)~~ means
21 coverage under part A, part B, or part D of Title XVIII of the federal Social Security
22 Act, 42 USC 1395 to 1395hhh.

23 **SECTION 3038.** 252.16 (4) (a) of the statutes is amended to read:

24 252.16 **(4)** (a) Except as provided in pars. (b) and (d), if an individual satisfies
25 sub. (3), the department shall pay the full amount of each premium payment for the

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1 individual's health insurance coverage under the group health plan or individual
2 health policy under sub. (3) (dm), on or after the date on which the individual
3 becomes eligible for a subsidy under sub. (3). Except as provided in pars. (b) and (d),
4 the department shall pay the full amount of each premium payment regardless of
5 whether the individual's health insurance coverage under sub. (3) (dm) includes
6 coverage of the individual's dependents. Except as provided in par. (b), the
7 department shall terminate the payments under this section when the individual's
8 health insurance coverage ceases or when the individual no longer satisfies sub. (3),
9 whichever occurs first. The department may not make payments under this section
10 for premiums for medicare, except for premiums for coverage for part D of Title XVIII
11 of the federal Social Security Act, 42 USC 1395 to 1395hhh.

12 **SECTION 3039.** 252.241 (1m) of the statutes is amended to read:

13 252.241 **(1m)** If an individual who applies for or to renew a license under sub.
14 (1) does not have a social security number, the individual, as a condition of obtaining
15 the license, shall submit a statement made or subscribed under oath or affirmation
16 to the department that the applicant does not have a social security number. The
17 form of the statement shall be prescribed by the department of workforce
18 development children and families. A license issued or renewed in reliance upon a
19 false statement submitted under this subsection is invalid.

20 **SECTION 3040.** 253.06 (title) of the statutes is renumbered 49.17 (title).

21 **SECTION 3041.** 253.06 (1) of the statutes is renumbered 49.17 (1).

22 **SECTION 3042.** 253.06 (2) of the statutes is renumbered 49.17 (2) and amended
23 to read:

24 49.17 **(2)** USE OF FUNDS. From the appropriation under s. 20.435 (5) 20.437 (2)
25 (em), the department shall supplement the provision of supplemental foods,

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1 nutrition education, and other services, including nutritional counseling, to
2 low-income women, infants, and children who meet the eligibility criteria under the
3 federal special supplemental food program for women, infants, and children
4 authorized under 42 USC 1786. To the extent that funds are available under this
5 section and to the extent that funds are available under 42 USC 1786, the
6 department shall provide the supplemental food, nutrition education, and other
7 services authorized under this section and shall administer that provision in every
8 county. The department may enter into contracts for this purpose.

9 **SECTION 3043.** 253.06 (3) of the statutes is renumbered 49.17 (3).

10 **SECTION 3044.** 253.06 (3m) of the statutes is renumbered 49.17 (3m).

11 **SECTION 3045.** 253.06 (4) of the statutes is renumbered 49.17 (4).

12 **SECTION 3046.** 253.06 (5) (title) of the statutes is renumbered 49.17 (5) (title).

13 **SECTION 3047.** 253.06 (5) (a) of the statutes is renumbered 49.17 (5) (a).

14 **SECTION 3048.** 253.06 (5) (b) of the statutes is renumbered 49.17 (5) (b).

15 **SECTION 3049.** 253.06 (5) (c) of the statutes is renumbered 49.17 (5) (c).

16 **SECTION 3050.** 253.06 (5) (d) of the statutes is renumbered 49.17 (5) (d).

17 **SECTION 3051.** 253.06 (5) (e) of the statutes is renumbered 49.17 (5) (e) and
18 amended to read:

19 49.17 (5) (e) The suspension or termination of authorization of a vendor or
20 eligibility of a participant shall be effective beginning on the 15th day after receipt
21 of the notice of suspension or termination. All forfeitures, recoupments, and
22 enforcement assessments shall be paid to the department within 15 days after
23 receipt of notice of assessment or, if the forfeiture, recoupment, or enforcement
24 assessment is contested under sub. (6), within 10 days after receipt of the final
25 decision after exhaustion of administrative review, unless the final decision is

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1 adverse to the department or unless the final decision is appealed and the decision
2 is stayed by court order under sub. (7). The department shall remit all forfeitures
3 paid to the secretary of administration for deposit in the school fund. The
4 department shall deposit all enforcement assessments in the appropriation under s.
5 ~~20.435 (1)~~ 20.437 (2) (gr).

6 **SECTION 3052.** 253.06 (5) (f) of the statutes is renumbered 49.17 (5) (f).

7 **SECTION 3053.** 253.06 (6) of the statutes is renumbered 49.17 (6).

8 **SECTION 3054.** 253.06 (7) of the statutes is renumbered 49.17 (7).

9 **SECTION 3055.** 253.06 (8) of the statutes is renumbered 49.17 (8).

10 **SECTION 3056.** 253.10 (3) (d) 1. of the statutes is amended to read:

11 253.10 **(3)** (d) 1. Geographically indexed materials that are designed to inform
12 a woman about public and private agencies, including adoption agencies, and
13 services that are available to provide information on family planning, as defined in
14 s. 253.07 (1) (a), including natural family planning information, to provide
15 ultrasound imaging services, to assist her if she has received a diagnosis that her
16 unborn child has a disability or if her pregnancy is the result of sexual assault or
17 incest and to assist her through pregnancy, upon childbirth and while the child is
18 dependent. The materials shall include a comprehensive list of the agencies
19 available, a description of the services that they offer and a description of the manner
20 in which they may be contacted, including telephone numbers and addresses, or, at
21 the option of the department, the materials shall include a toll-free, 24-hour
22 telephone number that may be called to obtain an oral listing of available agencies
23 and services in the locality of the caller and a description of the services that the
24 agencies offer and the manner in which they may be contacted. The materials shall
25 provide information on the availability of governmentally funded programs that

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1 serve pregnant women and children. Services identified for the woman shall include
2 medical assistance for pregnant women and children under s. 49.47 (4) (am) and
3 49.471, the availability of family or medical leave under s. 103.10, the Wisconsin
4 works program under ss. 49.141 to 49.161, child care services, child support laws and
5 programs and the credit for expenses for household and dependent care and services
6 necessary for gainful employment under section 21 of the internal revenue code. The
7 materials shall state that it is unlawful to perform an abortion for which consent has
8 been coerced, that any physician who performs or induces an abortion without
9 obtaining the woman's voluntary and informed consent is liable to her for damages
10 in a civil action and is subject to a civil penalty, that the father of a child is liable for
11 assistance in the support of the child, even in instances in which the father has
12 offered to pay for an abortion, and that adoptive parents may pay the costs of
13 prenatal care, childbirth and neonatal care. The materials shall include
14 information, for a woman whose pregnancy is the result of sexual assault or incest,
15 on legal protections available to the woman and her child if she wishes to oppose
16 establishment of paternity or to terminate the father's parental rights. The
17 materials shall state that fetal ultrasound imaging and auscultation of fetal heart
18 tone services are obtainable by pregnant women who wish to use them and shall
19 describe the services.

20 **SECTION 3057.** 253.115 of the statutes is repealed.

21 **SECTION 3058.** 253.12 (4) (d) of the statutes is repealed.

22 **SECTION 3059.** 253.15 (2) of the statutes is amended to read:

23 253.15 (2) **INFORMATIONAL MATERIALS.** The board shall purchase or prepare or
24 arrange with a nonprofit organization to prepare printed and audiovisual materials
25 relating to shaken baby syndrome and impacted babies. The materials shall include

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1 information regarding the identification and prevention of shaken baby syndrome
2 and impacted babies, the grave effects of shaking or throwing on an infant or young
3 child, appropriate ways to manage crying, fussing, or other causes that can lead a
4 person to shake or throw an infant or young child, and a discussion of ways to reduce
5 the risks that can lead a person to shake or throw an infant or young child. The
6 materials shall be prepared in English, Spanish, and other languages spoken by a
7 significant number of state residents, as determined by the board. The board shall
8 make those written and audiovisual materials available to all hospitals, maternity
9 homes, and nurse–midwives licensed under s. 441.15 that are required to provide or
10 make available materials to parents under sub. (3) (a) 1., to the department and to
11 all county departments and nonprofit organizations that are required to provide the
12 materials to day care providers under sub. (4), and to all school boards and nonprofit
13 organizations that are permitted to provide the materials to pupils in one of grades
14 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those
15 written materials available to all county departments and Indian tribes that are
16 providing home visitation services under s. ~~46.515~~ 48.983 (4) (b) 1. or 2. and to all
17 providers of prenatal, postpartum, and young child care coordination services under
18 s. 49.45 (44). The board may make available the materials required under this
19 subsection to be made available by making those materials available at no charge on
20 the board’s Internet site.

21 **SECTION 3060.** 253.15 (2) of the statutes, as affected by 2007 Wisconsin Act
22 (this act), is amended to read:

23 253.15 **(2)** INFORMATIONAL MATERIALS. The board shall purchase or prepare or
24 arrange with a nonprofit organization to prepare printed and audiovisual materials
25 relating to shaken baby syndrome and impacted babies. The materials shall include

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1 information regarding the identification and prevention of shaken baby syndrome
2 and impacted babies, the grave effects of shaking or throwing on an infant or young
3 child, appropriate ways to manage crying, fussing, or other causes that can lead a
4 person to shake or throw an infant or young child, and a discussion of ways to reduce
5 the risks that can lead a person to shake or throw an infant or young child. The
6 materials shall be prepared in English, Spanish, and other languages spoken by a
7 significant number of state residents, as determined by the board. The board shall
8 make those written and audiovisual materials available to all hospitals, maternity
9 homes, and nurse–midwives licensed under s. 441.15 that are required to provide or
10 make available materials to parents under sub. (3) (a) 1., to the department and to
11 all county departments and nonprofit organizations that are required to provide the
12 materials to day care providers under sub. (4), and to all school boards and nonprofit
13 organizations that are permitted to provide the materials to pupils in one of grades
14 5 to 8 and in one of grades 10 to 12 under sub. (5). The board shall also make those
15 written materials available to all county departments and Indian tribes that are
16 providing home visitation services under s. 48.983 (4) (b) 1. or 2., to all organizations
17 that are providing home visitation services under s. 48.984 (3) (a). and to all
18 providers of prenatal, postpartum, and young child care coordination services under
19 s. 49.45 (44). The board may make available the materials required under this
20 subsection to be made available by making those materials available at no charge on
21 the board's Internet site.

22 **SECTION 3061.** 253.15 (6) of the statutes is amended to read:

23 253.15 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES
24 RECIPIENTS. A county department or Indian tribe that is providing home visitation
25 services under s. ~~46.515~~ 48.983 (4) (b) 1. or 2. and a provider of prenatal, postpartum,

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1 and young child care coordination services under s. 49.45 (44) shall provide to a
2 recipient of those services, without cost, a copy of the written materials purchased
3 or prepared under sub. (2) and an oral explanation of those materials.

4 **SECTION 3062.** 253.15 (6) of the statutes, as affected by 2007 Wisconsin Act ...
5 (this act), is amended to read:

6 253.15 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES
7 RECIPIENTS. A county department or Indian tribe that is providing home visitation
8 services under s. 48.983 (4) (b) 1. or 2., an organization that is providing home
9 visitation services under s. 48.984 (3) (a). and a provider of prenatal, postpartum, and
10 young child care coordination services under s. 49.45 (44) shall provide to a recipient
11 of those services, without cost, a copy of the written materials purchased or prepared
12 under sub. (2) and an oral explanation of those materials.

13 **SECTION 3063.** 253.15 (7) (e) of the statutes is amended to read:

14 253.15 (7) (e) A county department or Indian tribe that is providing home
15 visitation services under s. ~~46.515~~ 48.983 (4) (b) 1. or 2. and a provider of prenatal,
16 postpartum, and young child care coordination services under s. 49.45 (44) is
17 immune from liability for any damages resulting from any good faith act or omission
18 in providing or failing to provide the written materials and oral explanation specified
19 in sub. (6).

20 **SECTION 3064.** 253.15 (7) (e) of the statutes, as affected by 2007 Wisconsin Act
21 ..., (this act), is amended to read:

22 253.15 (7) (e) A county department or Indian tribe that is providing home
23 visitation services under s. 48.983 (4) (b) 1. or 2., an organization that is providing
24 home visitation services under s. 48.984 (3) (a). and a provider of prenatal,
25 postpartum, and young child care coordination services under s. 49.45 (44) is are

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1 immune from liability for any damages resulting from any good faith act or omission
2 in providing or failing to provide the written materials and oral explanation specified
3 in sub. (6).

4 **SECTION 3065.** 253.15 (8) of the statutes is amended to read:

5 253.15 (8) IDENTIFICATION OF SHAKEN OR IMPACTED BABIES. The department of
6 health and family services shall identify all infants and young children who have
7 shaken baby syndrome or who are impacted babies and all infants and young
8 children who have died as a result of being shaken or thrown by using the statewide
9 automated child welfare information system established under s. ~~46.03 (7) (g)~~ s.
10 ~~46.03 (7g)~~ 48.47 (7g) and child fatality information compiled by the department of
11 justice. For each infant or young child so identified, the department of health and
12 family services shall document the age, sex, and other characteristics of the infant
13 or young child that are relevant to the prevention of shaken baby syndrome and
14 impacted babies and, if known, the age, sex, employment status, and residence of the
15 person who shook or threw the infant or young child, the relationship of that person
16 to the infant or young child, and any other characteristics of that person that are
17 relevant to the prevention of shaken baby syndrome and impacted babies.

18 **SECTION 3066.** 254.115 (1m) of the statutes is amended to read:

19 254.115 (1m) If an individual who applies for or to renew a certification,
20 certification card or permit under sub. (1) does not have a social security number, the
21 individual, as a condition of obtaining the certification, certification card or permit,
22 shall submit a statement made or subscribed under oath or affirmation to the
23 department that the applicant does not have a social security number. The form of
24 the statement shall be prescribed by the department of ~~workforce development~~

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1 children and families. A certification, certification card or permit issued or renewed
2 in reliance upon a false statement submitted under this subsection is invalid.

3 **SECTION 3067.** 255.06 (4) of the statutes is created to read:

4 255.06 (4) INFORMATION ABOUT WOMEN WHO RECEIVE SERVICES. The department
5 shall obtain and share information about women who receive services that are
6 reimbursed under this section as provided in s. 49.475.

7 **SECTION 3068.** 255.15 (3) (b) (intro.) of the statutes is amended to read:

8 255.15 (3) (b) (intro.) From the appropriation accounts under s. 20.435 (5) (fm)
9 and (r), the department may distribute grants for any of the following:

10 **SECTION 3069.** 255.15 (4) of the statutes is repealed.

11 **SECTION 3070.** 255.15 (5) of the statutes is amended to read:

12 255.15 (5) FUNDS. The department may accept for any of the purposes under
13 this section any donations and grants of money, equipment, supplies, materials and
14 services from any person. ~~The department shall include in the report under sub. (4)~~
15 ~~any donation or grant accepted by the department under this subsection, including~~
16 ~~the nature, amount and conditions, if any, of the donation or grant and the identity~~
17 ~~of the donor.~~

18 **SECTION 3071.** 281.01 (3e) of the statutes is created to read:

19 281.01 (3e) “Design-build construction process” has the meaning given in s.
20 200.47 (2) (f) 1.

21 **SECTION 3072.** 281.41 (1) (a) of the statutes is amended to read:

22 281.41 (1) (a) Except as provided under sub. (2), every owner within the time
23 prescribed by the department, shall file with the department a certified copy of
24 complete plans of a proposed system or plant or extension thereof, in scope and detail
25 satisfactory to the department, and, if required, of existing systems or plants, and

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1 any other information concerning maintenance, operation and other details that the
2 department requires, including the information specified under s. 281.35 (5) (a), if
3 applicable. Owners contracting for a system, plant, or extension under the
4 design-build construction process shall submit to the department performance
5 objectives and preliminary designs in a form that is satisfactory to the department,
6 rather than complete plans. Material changes with a statement of the reasons shall
7 be likewise submitted. Before plans are drawn, a statement concerning the
8 improvement may be made to the department and the department may, if requested,
9 outline generally what it will require. Upon receipt of the plans for approval, the
10 department or its authorized representative shall notify the owner of the date of
11 receipt.

12 **SECTION 3073.** 281.58 (12) (a) 1. of the statutes is amended to read:

13 281.58 (12) (a) 1. Except as modified under par. (f) and except as restricted by
14 sub. (8) (b), (c), (f) or (h), the interest rate for projects specified in sub. (7) (b) 1. and
15 2. is ~~55%~~ 70% of market interest rate.

16 **SECTION 3074.** 281.59 (3e) (b) 1. and 3. of the statutes are amended to read:

17 281.59 (3e) (b) 1. Equal to \$109,600,000 \$99,100,000 during the ~~2005-07~~
18 2007-09 biennium.

19 3. Equal to \$1,000 for any biennium after the ~~2005-07~~ 2007-09 biennium.

20 **SECTION 3075.** 281.59 (3m) (b) 1. and 2. of the statutes are amended to read:

21 281.59 (3m) (b) 1. Equal to ~~\$2,700,000~~ \$3,400,000 during the ~~2005-07~~ 2007-09
22 biennium.

23 2. Equal to \$1,000 for any biennium after the ~~2005-07~~ 2007-09 biennium.

24 **SECTION 3076.** 281.59 (3s) (b) 1. and 2. of the statutes are amended to read:

SENATE BILL 40**SECTION 3076**

1 281.59 **(3s)** (b) 1. Equal to \$12,800,000 \$16,700,000 during the 2005–07
2 2007–09 biennium.

3 2. Equal to \$1,000 for any biennium after the 2005–07 2007–09 biennium.

4 **SECTION 3077.** 281.59 (4) (b) of the statutes is amended to read:

5 281.59 **(4)** (b) The department of administration may, under s. 18.561 or 18.562,
6 deposit in a separate and distinct fund in the state treasury or in an account
7 maintained by a trustee outside the state treasury, any portion of the revenues
8 derived under s. 25.43 (1). The revenues deposited with a trustee outside the state
9 treasury are the trustee’s revenues in accordance with the agreement between this
10 state and the trustee or in accordance with the resolution pledging the revenues to
11 the repayment of revenue obligations issued under this subsection and to make
12 payments under an agreement or ancillary arrangement entered into under s. 18.55
13 (6) with respect to revenue obligations issued under this subsection.

14 **SECTION 3078.** 281.59 (4) (f) of the statutes is amended to read:

15 281.59 **(4)** (f) Revenue obligations may be contracted by the building
16 commission when it reasonably appears to the building commission that all
17 obligations incurred under this subsection, and all payments under an agreement or
18 ancillary arrangement entered into under s. 18.55 (6) with respect to revenue
19 obligations issued under this subsection, can be fully paid on a timely basis from
20 moneys received or anticipated to be received. Revenue obligations issued under this
21 subsection for the clean water fund program shall not exceed \$1,615,955,000
22 \$1,984,100,000 in principal amount, excluding obligations issued to refund
23 outstanding revenue obligation notes.

24 **SECTION 3079.** 281.65 (4e) of the statutes is created to read:

SENATE BILL 40**SECTION 3079**

1 281.65 **(4e)** (a) A governmental unit may request funding under this subsection
2 for a project to implement best management practices for animal waste management
3 at an animal feeding operation for which the department has issued a notice of
4 discharge under ch. 283.

5 (b) The department may grant a request under par. (a) if it determines that
6 providing funding under this subsection is necessary to protect fish and aquatic life.

7 (c) Subsection (8) (d) does not apply to a grant under this subsection.

8 **SECTION 3080.** 281.65 (8) (f) of the statutes is amended to read:

9 281.65 **(8)** (f) A cost-sharing grant shall equal the percentage of the cost of
10 implementing the best management practice that is determined by the
11 governmental unit submitting the application under sub. (4c) (a) or (4e) (a) and is
12 approved by the board, except as provided under pars. (gm) and (jm) and except that
13 a cost-sharing grant may not exceed 70% of the cost of implementing the best
14 management practice.

15 **SECTION 3081.** 281.65 (8) (gm) of the statutes is amended to read:

16 281.65 **(8)** (gm) The governmental unit submitting the application under sub.
17 (4c) (a) or (4e) (a) shall exceed the limit under par. (f) in cases of economic hardship,
18 as defined by the department by rule.

19 **SECTION 3082.** 281.87 of the statutes is created to read:

20 **281.87 Great Lakes contaminated sediment removal.** The department
21 may expend funds from the appropriation under s. 20.866 (2) (ti) to pay a portion of
22 the costs of a project to remove contaminated sediment from Lake Michigan or Lake
23 Superior or a tributary of Lake Michigan or Lake Superior if federal funds are
24 provided for the project under 33 USC 1268 (c) (12).

25 **SECTION 3083.** 285.30 (5) (a) of the statutes is amended to read:

SENATE BILL 40**SECTION 3083**

1 285.30 (5) (a) A motor vehicle of a model year of ~~1967~~ 1995 or earlier.

2 **SECTION 3084.** 285.30 (5) (b) of the statutes is amended to read:

3 285.30 (5) (b) A motor vehicle ~~with~~ of a model year of 2006 or earlier that has
4 a gross vehicle weight rating exceeding 10,000 pounds, as determined by the
5 manufacturer of the vehicle, and a motor vehicle of a model year of 2007 or later that
6 has a gross vehicle weight rating exceeding 14,000 pounds, as determined by the
7 manufacturer of the vehicle.

8 **SECTION 3085.** 285.30 (5) (d) of the statutes is amended to read:

9 285.30 (5) (d) A motor vehicle of a model year of 2006 or earlier that is powered
10 by diesel fuel.

11 **SECTION 3086.** 285.59 (1) (b) of the statutes is amended to read:

12 285.59 (1) (b) “State agency” means any office, department, agency, institution
13 of higher education, association, society, or other body in state government created
14 or authorized to be created by the constitution or any law ~~which~~ that is entitled to
15 expend moneys appropriated by law, including the legislature and the courts, the
16 Wisconsin Housing and Economic Development Authority, the Bradley Center
17 Sports and Entertainment Corporation, the University of Wisconsin Hospitals and
18 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin
19 Aerospace Authority, ~~and~~ the Wisconsin Health and Educational Facilities
20 Authority, and the Healthy Wisconsin Authority.

21 **SECTION 3087.** 289.43 (7) (e) 3. of the statutes is amended to read:

22 289.43 (7) (e) 3. All fees collected under this paragraph shall be credited to the
23 ~~appropriations~~ appropriation under s. 20.370 (2) (dg) ~~and (9) (mj).~~

24 **SECTION 3088.** 289.645 (3) of the statutes is amended to read:

SENATE BILL 40**SECTION 3088**

1 289.645 **(3)** AMOUNT OF RECYCLING FEE. The fee imposed under this section is
2 \$3 \$6 per ton for all solid waste other than high-volume industrial waste.

3 **SECTION 3089.** 289.67 (1) (cp) of the statutes is amended to read:

4 289.67 **(1)** (cp) *Amount of environmental repair fee.* Notwithstanding par. (cm)
5 and except as provided under par. (d), the environmental repair fee imposed under
6 par. (a) is ~~30~~ 50 cents per ton for solid or hazardous waste, other than high-volume
7 industrial waste, disposed of ~~on or after January 1, 1988, but before July 1, 1989,~~
8 and ~~50 cents per ton disposed of on or after July 1, 1989~~ before July 1, 2007, and \$1.60
9 per ton disposed of on or after July 1, 2007.

10 **SECTION 3090.** 289.67 (1) (h) of the statutes is amended to read:

11 289.67 **(1)** (h) *Use of environmental repair fee.* The fees collected under par. (b)
12 shall be credited to the environmental fund ~~for environmental management.~~

13 **SECTION 3091.** 291.15 (2) (d) of the statutes is amended to read:

14 291.15 **(2)** (d) *Use of confidential records.* Except as provided under par. (c) and
15 this paragraph the department or the department of justice may use records and
16 other information granted confidential status under this subsection only in the
17 administration and enforcement of this chapter. The department or the department
18 of justice may release for general distribution records and other information granted
19 confidential status under this subsection if the owner or operator expressly agrees
20 to the release. The department or the department of justice may release on a limited
21 basis records and other information granted confidential status under this
22 subsection if the department or the department of justice is directed to take this
23 action by a judge or hearing examiner under an order which protects the
24 confidentiality of the records or other information. The department or the
25 department of justice may release to the U.S. environmental protection agency or its

SENATE BILL 40**SECTION 3091**

1 authorized representative records and other information granted confidential status
2 under this subsection if the department or the department of justice includes in each
3 release of records or other information a request to the U.S. environmental
4 protection agency or its authorized representative to protect the confidentiality of
5 the records or other information. The department or the department of justice shall
6 provide to the department of ~~workforce development~~ children and families or a
7 county child support agency under s. 59.53 (5) the name and address of an individual,
8 the name and address of the individual's employer and financial information related
9 to the individual that is contained in records or other information granted
10 confidential status under this subsection if requested under s. 49.22 (2m) by the
11 department of ~~workforce development~~ children and families or a county child
12 support agency under s. 59.53 (5).

13 **SECTION 3092.** 291.97 (3) of the statutes is created to read:

14 291.97 (3) COST RECOVERY. In addition to the penalties provided under subs. (1)
15 and (2), the court may award the department of justice the reasonable and necessary
16 expenses of the investigation and prosecution of the violation, including attorney
17 fees and the costs of performing monitoring. The department of justice shall deposit
18 in the state treasury for deposit into the general fund all moneys that the court
19 awards to the department or the state under this paragraph. The costs of
20 investigation and the expenses of prosecution, including attorney fees, shall be
21 credited to the appropriation account under s. 20.455 (1) (gh).

22 **SECTION 3093.** 292.11 (7) (d) 1m. b. of the statutes is amended to read:

23 292.11 (7) (d) 1m. b. An area designated by the local governmental unit if the
24 area consists of 2 or more properties affected by a contiguous region of groundwater

SENATE BILL 40**SECTION 3093**

1 contamination or contains 2 or more properties that are brownfields, as defined in
2 s. ~~560.60 (1v)~~ 560.13 (1) (a).

3 **SECTION 3094.** 292.255 of the statutes is amended to read:

4 **292.255 Report on brownfield efforts.** The department of natural
5 resources, the department of administration, and the department of commerce shall
6 submit a report evaluating the effectiveness of this state's efforts to remedy the
7 contamination of, and to redevelop, brownfields, as defined in s. ~~560.60 (1v)~~ 560.13
8 (1) (a).

9 **SECTION 3095.** 299.07 (1) (am) 1. of the statutes is amended to read:

10 299.07 **(1)** (am) 1. If an individual who applies for the issuance or renewal of
11 a license, registration or certification specified in par. (a) does not have a social
12 security number, the department shall require the applicant, as a condition of
13 issuing or renewing the license, registration or certification, to submit a statement
14 made or subscribed under oath or affirmation that the applicant does not have a
15 social security number. The statement shall be in the form prescribed by the
16 department of ~~workforce development~~ children and families.

17 **SECTION 3096.** 299.07 (1) (b) 2. of the statutes is amended to read:

18 299.07 **(1)** (b) 2. If the department is required to obtain the information under
19 s. 299.08 (1) (a), to the department of ~~workforce development~~ children and families
20 in accordance with a memorandum of understanding under s. 49.857.

21 **SECTION 3097.** 299.08 (1) (am) 1. of the statutes is amended to read:

22 299.08 **(1)** (am) 1. If an individual who applies for the issuance or renewal of
23 a license, registration or certification specified in par. (a) does not have a social
24 security number, the department shall require the applicant, as a condition of
25 issuing or renewing the license, registration or certification, to submit a statement

SENATE BILL 40**SECTION 3097**

1 made or subscribed under oath or affirmation that the applicant does not have a
2 social security number. The statement shall be in the form prescribed by the
3 department of ~~workforce development~~ children and families.

4 **SECTION 3098.** 299.08 (1) (b) 1. of the statutes is amended to read:

5 299.08 (1) (b) 1. To the department of ~~workforce development~~ children and
6 families in accordance with a memorandum of understanding under s. 49.857.

7 **SECTION 3099.** 299.08 (2) of the statutes is amended to read:

8 299.08 (2) The department shall deny an application for the issuance or
9 renewal of a license, registration or certification specified in sub. (1) (a), or shall
10 suspend a license, registration or certification specified in sub. (1) (a) for failure to
11 make court-ordered payments of child or family support, maintenance, birth
12 expenses, medical expenses or other expenses related to the support of a child or
13 former spouse or failure to comply, after appropriate notice, with a subpoena or
14 warrant issued by the department of ~~workforce development~~ children and families
15 or a county child support agency under s. 59.53 (5) and relating to paternity or child
16 support proceedings, as required in a memorandum of understanding under s.
17 49.857.

18 **SECTION 3100.** 301.03 (3) of the statutes is amended to read:

19 301.03 (3) Administer parole, extended supervision and probation matters,
20 except that the decision to grant or deny parole or to grant or terminate extended
21 supervision under s. 304.06 (1) (b) to inmates shall be made by the parole earned
22 release review commission and the decision to revoke probation, extended
23 supervision or parole in cases in which there is no waiver of the right to a hearing
24 shall be made by the division of hearings and appeals in the department of
25 administration. The secretary may grant special action parole releases under s.

SENATE BILL 40**SECTION 3100**

1 304.02. The department shall promulgate rules establishing a drug testing program
2 for probationers, parolees and persons placed on extended supervision. The rules
3 shall provide for assessment of fees upon probationers, parolees and persons placed
4 on extended supervision to partially offset the costs of the program.

5 **SECTION 3101.** 301.0465 (3) (a) 4. of the statutes is amended to read:

6 301.0465 (3) (a) 4. He or she is serving an indeterminate sentence and the
7 parole earned release review commission has authorized his or her release on parole
8 within the next 6 months.

9 **SECTION 3102.** 301.048 (2) (am) 3. of the statutes is amended to read:

10 301.048 (2) (am) 3. The parole earned release review commission grants him
11 or her parole under s. 304.06 and requires his or her participation in the program as
12 a condition of parole under s. 304.06 (1x).

13 **SECTION 3103.** 301.08 (2) (d) 3. of the statutes is amended to read:

14 301.08 (2) (d) 3. Unless waived by the department, biennially, or annually if
15 required under federal law, provide the purchaser with a certified financial and
16 compliance audit report if the care and services purchased exceed \$100,000 or any
17 higher threshold amount determined by the department. The audit shall follow
18 standards that the department prescribes. A purchaser may waive the requirements
19 of this subdivision as provided in s. 46.036 (4) (c).

20 **SECTION 3104.** 301.12 (14) (b) of the statutes is amended to read:

21 301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
22 of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the
23 parent's minor child who has been placed by a court order under s. 938.183, 938.355,
24 or 938.357 in a residential, nonmedical facility such as a group home, foster home,
25 treatment foster home, residential care center for children and youth, or juvenile

SENATE BILL 40**SECTION 3104**

1 correctional institution shall be determined by the court by using the percentage
2 standard established by the department of ~~workforce development~~ children and
3 families under s. 49.22 (9) and by applying the percentage standard in the manner
4 established by the department under par. (g).

5 **SECTION 3105.** 301.12 (14) (g) of the statutes is amended to read:

6 301.12 (14) (g) For purposes of determining child support under par. (b), the
7 department shall promulgate rules related to the application of the standard
8 established by the department of ~~workforce development~~ children and families
9 under s. 49.22 (9) to a child support obligation for the care and maintenance of a child
10 who is placed by a court order under s. 938.183, 938.355 or 938.357 in a residential,
11 nonmedical facility. The rules shall take into account the needs of any person,
12 including dependent children other than the child, whom either parent is legally
13 obligated to support.

14 **SECTION 3106.** 301.21 (1m) (c) of the statutes is amended to read:

15 301.21 (1m) (c) Any hearing to consider parole or whether to grant or terminate
16 extended supervision, if the prisoner is sentenced under s. 973.01 for a Class F to a
17 Class I felony to which an inmate confined under this contract may be entitled by the
18 laws of Wisconsin will be conducted by the Wisconsin parole earned release review
19 commission under rules of the department.

20 **SECTION 3107.** 301.21 (2m) (c) of the statutes is amended to read:

21 301.21 (2m) (c) Any hearing to consider parole or whether to grant or terminate
22 extended supervision, if the prisoner is sentenced under s. 973.01 for a Class F to a
23 Class I felony, to which a prisoner confined under a contract under this subsection
24 may be entitled by the laws of Wisconsin shall be conducted by the Wisconsin parole
25 earned release review commission under rules of the department.

SENATE BILL 40**SECTION 3108**

1 **SECTION 3108.** 301.25 of the statutes is amended to read:

2 **301.25 Sewer system at Taycheedah Correctional Institution.** The
3 department, with the approval of the governor, may enter into an agreement
4 containing terms, conditions and covenants approved by the building commission,
5 to participate in the construction of a sanitary sewer system in the area adjacent to
6 the Taycheedah Correctional Institution in the town of Taycheedah, Fond du Lac
7 County; to connect the sewer system of the Taycheedah Correctional Institution
8 thereto; to pay sewage disposal charges; and to grant easements or, ~~subject to s.~~
9 ~~16.848,~~ convey land to meet construction requirements.

10 **SECTION 3109.** 301.26 (3) (c) of the statutes is amended to read:

11 301.26 (3) (c) Within the limits of the appropriations under s. 20.410 (3) (cd)
12 ~~and, (ko), and (r),~~ the department shall allocate funds to each county for services
13 under this section.

14 **SECTION 3110.** 301.26 (3) (em) of the statutes is amended to read:

15 301.26 (3) (em) The department may carry forward any emergency funds
16 allocated under sub. (7) (e) and not encumbered or carried forward under par. (dm)
17 by December 31 to the next 2 calendar years. The department may transfer moneys
18 from or within s. 20.410 (3) (cd), ~~(ko), and (r)~~ to accomplish this purpose. The
19 department may allocate these transferred moneys to counties that are eligible for
20 emergency payments under sub. (7) (e). The allocation does not affect a county's base
21 allocation.

22 **SECTION 3111.** 301.26 (4) (a) of the statutes is amended to read:

23 301.26 (4) (a) Except as provided in pars. (c) and (cm), the department of
24 corrections shall bill counties or deduct from the allocations under s. 20.410 (3) (cd),
25 ~~(ko), and (r)~~ for the costs of care, services and supplies purchased or provided by the

SENATE BILL 40**SECTION 3111**

1 department of corrections for each person receiving services under s. 48.366, 938.183
2 or 938.34 or the department of health and family services for each person receiving
3 services under s. 46.057 or 51.35 (3). The department of corrections may not bill a
4 county for or deduct from a county's allocation the cost of care, services and supplies
5 provided to a person subject to an order under s. 48.366 or 938.183 after the person
6 reaches 18 years of age. Payment shall be due within 60 days after the billing date.
7 If any payment has not been received within 60 days, the department of corrections
8 may withhold aid payments in the amount due from the appropriation under s.
9 20.410 (3) (cd).

10 **SECTION 3112.** 301.26 (4) (c) of the statutes is amended to read:

11 301.26 (4) (c) Notwithstanding pars. (a), (b), and (bm), the department of
12 corrections shall pay, from the appropriation under s. 20.410 (3) (hm), (ho), or (hr),
13 the costs of care, services, and supplies provided for each person receiving services
14 under s. 46.057, 48.366, 51.35 (3), 938.183, or 938.34 who was under the
15 guardianship of the department of health and family services children and families
16 pursuant to an order under ch. 48 at the time that the person was adjudicated
17 delinquent.

18 **SECTION 3113.** 301.26 (4) (d) 2. of the statutes is amended to read:

19 301.26 (4) (d) 2. Beginning on July 1, ~~2005~~ 2007, and ending on June 30, ~~2006~~
20 2008, the per person daily cost assessment to counties shall be ~~\$203~~ \$269 for care in
21 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$203~~ \$269 for care
22 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
23 ~~\$234~~ \$277 for care in a residential care center for children and youth, ~~\$157~~ \$165 for
24 care in a group home for children, ~~\$47~~ \$67 for care in a foster home, ~~\$83~~ \$132 for care

SENATE BILL 40**SECTION 3113**

1 in a treatment foster home, ~~\$81~~ \$99 for departmental corrective sanctions services,
2 and ~~\$32~~ \$40 for departmental aftercare services.

3 **SECTION 3114.** 301.26 (4) (d) 3. of the statutes is amended to read:

4 301.26 (4) (d) 3. Beginning on July 1, ~~2006~~ 2008, and ending on June 30, ~~2007~~
5 2009, the per person daily cost assessment to counties shall be ~~\$209~~ \$279 for care in
6 a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), ~~\$209~~ \$279 for care
7 for juveniles transferred from a juvenile correctional institution under s. 51.35 (3),
8 ~~\$244~~ \$296 for care in a residential care center for children and youth, ~~\$163~~ \$172 for
9 care in a group home for children, ~~\$50~~ \$74 for care in a foster home, ~~\$87~~ \$145 for care
10 in a treatment foster home, ~~\$82~~ \$101 for departmental corrective sanctions services,
11 and ~~\$33~~ \$41 for departmental aftercare services.

12 **SECTION 3115.** 301.26 (6) (a) of the statutes is amended to read:

13 301.26 (6) (a) The intent of this subsection is to develop criteria to assist the
14 legislature in allocating funding, excluding funding for base allocations, from the
15 appropriations under s. 20.410 (3) (cd) ~~and, (ko), and (r)~~ for purposes described in this
16 section.

17 **SECTION 3116.** 301.26 (7) (intro.) of the statutes is amended to read:

18 301.26 (7) ALLOCATIONS OF FUNDS. (intro.) Within the limits of the availability
19 of federal funds and of the appropriations under s. 20.410 (3) (cd) ~~and, (ko), and (r)~~,
20 the department shall allocate funds for community youth and family aids for the
21 period beginning on July 1, ~~2005~~ 2007, and ending on June 30, ~~2007~~ 2009, as
22 provided in this subsection to county departments under ss. 46.215, 46.22, and 46.23
23 as follows:

24 **SECTION 3117.** 301.26 (7) (a) of the statutes is amended to read:

SENATE BILL 40**SECTION 3117**

1 301.26 (7) (a) For community youth and family aids under this section,
2 amounts not to exceed \$44,145,100 \$46,645,100 for the last 6 months of 2005,
3 ~~\$88,290,200 for 2006,~~ and ~~\$44,145,100~~ 2007, ~~\$93,290,200 for 2008,~~ and ~~\$46,645,100~~
4 for the first 6 months of ~~2007~~ 2009.

5 **SECTION 3118.** 301.26 (7) (b) (intro.) of the statutes is amended to read:

6 301.26 (7) (b) (intro.) Of the amounts specified in par. (a), the department shall
7 allocate \$2,000,000 for the last 6 months of ~~2005~~ 2007, \$4,000,000 for ~~2006~~ 2008, and
8 \$2,000,000 for the first 6 months of ~~2007~~ 2009 to counties based on each of the
9 following factors weighted equally:

10 **SECTION 3119.** 301.26 (7) (bm) of the statutes is created to read:

11 301.26 (7) (bm) Of the amounts specified in par. (a), the department shall
12 allocate \$2,500,000 for the last 6 months of 2007, \$5,000,000 for 2008, and \$2,500,000
13 for the first 6 months of 2009 to counties based on each county's proportion of the
14 number of juveniles statewide who are placed in a juvenile correctional facility
15 during the most recent 3-year period for which that information is available.

16 **SECTION 3120.** 301.26 (7) (c) of the statutes is amended to read:

17 301.26 (7) (c) Of the amounts specified in par. (a), the department shall allocate
18 \$1,053,200 for the last 6 months of ~~2005~~ 2007, \$2,106,500 for ~~2006~~ 2008, and
19 \$1,053,300 for the first 6 months of ~~2007~~ 2009 to counties based on each of the factors
20 specified in par. (b) 1. to 3. weighted equally, except that no county may receive an
21 allocation under this paragraph that is less than 93% nor more than 115% of the
22 amount that the county would have received under this paragraph if the allocation
23 had been distributed only on the basis of the factor specified in par. (b) 3.

24 **SECTION 3121.** 301.26 (7) (cm) of the statutes is created to read:

SENATE BILL 40**SECTION 3121**

1 301.26 (7) (cm) The department shall allocate the amounts specified in par. (a)
2 that are derived from the appropriation under s. 20.410 (3) (r) to counties based on
3 each county's proportion of the number of juveniles statewide who are placed in a
4 juvenile correctional facility or a secured residential care center for children and
5 youth during the most recent 3-year period for which that information is available.

6 **SECTION 3122.** 301.26 (7) (e) of the statutes is amended to read:

7 301.26 (7) (e) For emergencies related to community youth and family aids
8 under this section, amounts not to exceed \$125,000 for the last 6 months of 2005
9 2007, \$250,000 for ~~2006~~ 2008, and \$125,000 for the first 6 months of ~~2007~~ 2009. A
10 county is eligible for payments under this paragraph only if it has a population of not
11 more than 45,000.

12 **SECTION 3123.** 301.26 (7) (h) of the statutes is amended to read:

13 301.26 (7) (h) For counties that are participating in the corrective sanctions
14 program under s. 938.533 (2), \$1,062,400 in the last 6 months of ~~2005~~ 2007,
15 \$2,124,800 in ~~2006~~ 2008, and \$1,062,400 in the first 6 months of ~~2007~~ 2009 for the
16 provision of corrective sanctions services for juveniles from that county. In
17 distributing funds to counties under this paragraph, the department shall determine
18 a county's distribution by dividing the amount allocated under this paragraph by the
19 number of slots authorized for the program under s. 938.533 (2) and multiplying the
20 quotient by the number of slots allocated to that county by agreement between the
21 department and the county. The department may transfer funds among counties as
22 necessary to distribute funds based on the number of slots allocated to each county.

23 **SECTION 3124.** 301.26 (8) of the statutes is amended to read:

24 301.26 (8) ALCOHOL AND OTHER DRUG ABUSE TREATMENT. From the amount of the
25 allocations specified in sub. (7) (a), the department shall allocate \$666,700 in the last

SENATE BILL 40**SECTION 3124**

1 6 months of ~~2005~~ 2007, \$1,333,400 in ~~2006~~ 2008, and \$666,700 in the first 6 months
2 of ~~2007~~ 2009 for alcohol and other drug abuse treatment programs.

3 **SECTION 3125.** 301.265 (title) of the statutes is repealed.

4 **SECTION 3126.** 301.265 (1) of the statutes is renumbered 16.964 (8) (a) and
5 amended to read:

6 16.964 (8) (a) From the appropriations under s. ~~20.410 (3)~~ 20.505 (6) (d) and
7 (kj), the department office shall allocate \$500,000 in each fiscal year to enter into a
8 contract with an organization to provide services in a county having a population of
9 500,000 or more for the diversion of youths from gang activities into productive
10 activities, including placement in appropriate educational, recreational, and
11 employment programs. Notwithstanding s. 16.75, the department office may enter
12 into a contract under this subsection paragraph without soliciting bids or proposals
13 and without accepting the lowest responsible bid or offer.

14 **SECTION 3127.** 301.265 (2) of the statutes is renumbered 16.964 (8) (b) and
15 amended to read:

16 16.964 (8) (b) From the appropriation under s. ~~20.410 (3) (ky)~~ 20.505 (6) (km),
17 the department office may not distribute more than \$300,000 in each fiscal year to
18 the organization that it has contracted with under sub-~~(1)~~ par. (a) for alcohol and
19 other drug abuse education and treatment services for participants in that
20 organization's youth diversion program.

21 **SECTION 3128.** 301.265 (3) of the statutes is renumbered 16.964 (8) (c) and
22 amended to read:

23 16.964 (8) (c) From the appropriations under s. ~~20.410 (3)~~ 20.505 (6) (d) and (kj),
24 the department office shall allocate \$150,000 in each fiscal year to enter into a
25 contract with an organization to provide services in Racine County, \$150,000 in each

SENATE BILL 40**SECTION 3128**

1 fiscal year to enter into a contract with an organization to provide services in
2 Kenosha County, \$150,000 in each fiscal year to enter into a contract with an
3 organization that is located in ward ~~4~~ 2 in the city of Racine to provide services in
4 Racine County, and \$150,000 in each fiscal year to enter into a contract with an
5 organization to provide services in Brown County, and from the appropriation under
6 s. ~~20.410 (3)~~ 20.505 (6) (kj), the department shall allocate \$100,000 in each fiscal year
7 to enter into a contract with an organization, for the diversion of youths from gang
8 activities into productive activities, including placement in appropriate educational,
9 recreational, and employment programs, and for alcohol or other drug abuse
10 education and treatment services for participants in that organization's youth
11 diversion program. The organization that is located in ward ~~4~~ 2 in the city of Racine
12 shall have a recreational facility, shall offer programs to divert youths from gang
13 activities, may not be affiliated with any national or state association, and may not
14 have entered into a contract under s. 301.265 (3), 1995 stats. Notwithstanding s.
15 16.75, the department office may enter into a contract under this subsection
16 paragraph without soliciting bids or proposals and without accepting the lowest
17 responsible bid or offer.

18 **SECTION 3129.** 301.37 (1) of the statutes is amended to read:

19 301.37 (1) The department shall fix reasonable standards and regulations for
20 the design, construction, repair, and maintenance of all houses of correction,
21 reforestation camps maintained under s. 303.07, jails, as defined in s. 302.30,
22 extensions of jails under s. 59.54 (14) (g), rehabilitation facilities under s. 59.53 (8),
23 lockup facilities, as defined in s. 302.30, work camps under s. 303.10, Huber facilities
24 under s. 303.09, and, after consulting with the department of health and family

SENATE BILL 40**SECTION 3129**

1 services children and families, all juvenile detention facilities, with respect to their
2 adequacy and fitness for the needs which they are to serve.

3 **SECTION 3130.** 301.45 (7) (a) of the statutes is amended to read:

4 301.45 (7) (a) The department shall maintain information provided under sub.
5 (2). The department shall keep the information confidential except as provided in
6 ss. 301.03 (14) and 301.46, except as needed for law enforcement purposes and except
7 to provide, in response to a request for information under s. 49.22 (2m) made by the
8 department of ~~workforce development~~ children and families or a county child
9 support agency under s. 59.53 (5), the name and address of an individual registered
10 under this section, the name and address of the individual's employer and financial
11 information related to the individual.

12 **SECTION 3131.** 301.45 (9) of the statutes is amended to read:

13 301.45 (9) COOPERATION. The department of health and family services, the
14 department of ~~workforce development~~ children and families, the department of
15 transportation and all circuit courts shall cooperate with the department of
16 corrections in obtaining information under this section.

17 **SECTION 3132.** 301.45 (10) of the statutes is amended to read:

18 301.45 (10) The department may require a person who must register as a sex
19 offender and who is in its custody or on probation, parole, or extended supervision
20 to pay an annual fee to partially offset its costs in monitoring persons who are on
21 probation, parole, or extended supervision or who must register as sex offenders. The
22 department shall establish any such fee by rule, but the fee may not exceed \$50.

23 **SECTION 3133.** 301.46 (4) (a) 10m. of the statutes is created to read:

24 301.46 (4) (a) 10m. The department children and families.

SENATE BILL 40**SECTION 3134**

1 **SECTION 3134.** 301.48 (1) (b) of the statutes, as created by 2005 Wisconsin Act
2 431, is amended to read:

3 301.48 (1) (b) “Global positioning system tracking” means tracking using a
4 system that ~~actively monitors and identifies~~ can monitor, identify, and record a
5 person’s location and ~~timely reports or~~ that records the person’s presence ~~near or at~~
6 ~~a crime scene or~~ in an exclusion zone or the person’s departure from an inclusion
7 zone. “Global positioning system tracking” includes comparable technology.

8 **SECTION 3135.** 301.48 (1) (d) of the statutes, as created by 2005 Wisconsin Act
9 431, is repealed.

10 **SECTION 3136.** 301.48 (1) (dm) of the statutes, as created by 2005 Wisconsin Act
11 431, is repealed.

12 **SECTION 3137.** 301.48 (2) (a) (intro.) and 4. of the statutes, as created by 2005
13 Wisconsin Act 431, are consolidated, renumbered 301.48 (2) (am) and amended to
14 read:

15 301.48 (2) (am) Except as provided in sub. ~~(2m)~~ (6) or (7), as a condition of
16 conditional release, the department shall ~~maintain lifetime tracking of~~ have a person
17 tracked using a global positioning system tracking device if ~~any of the following~~
18 ~~occurs with respect to the person,~~ on or after July 1, 2007: ~~4. A~~ January 1, 2008,
19 a court that found the person not guilty of a serious child sex offense by reason of
20 mental disease or mental defect places the person on conditional release.

21 **SECTION 3138.** 301.48 (2) (a) 1. of the statutes, as created by 2005 Wisconsin
22 Act 431, is repealed.

23 **SECTION 3139.** 301.48 (2) (a) 2. of the statutes, as created by 2005 Wisconsin
24 Act 431, is renumbered 301.48 (2) (ar) and amended to read:

SENATE BILL 40**SECTION 3139**

1 301.48 (2) (ar) The Except as provided in sub. (6) or (7), if, on or after January
2 1, 2008, the department releases the a person to extended supervision or parole while
3 the person is serving a sentence for committing a serious child sex offense, the
4 department shall have the person tracked using a global positioning system tracking
5 device as a condition of extended supervision or parole.

6 **SECTION 3140.** 301.48 (2) (a) 3. of the statutes, as created by 2005 Wisconsin
7 Act 431, is repealed.

8 **SECTION 3141.** 301.48 (2) (a) 5. of the statutes, as created by 2005 Wisconsin
9 Act 431, is repealed.

10 **SECTION 3142.** 301.48 (2) (ag) of the statutes is created to read:

11 301.48 (2) (ag) Except as provided in sub. (6) or (7), if, on or after January 1,
12 2008, a person is placed on lifetime supervision under s. 939.615 for the commission
13 of a serious child sex offense, the department shall have the person tracked using a
14 global positioning system tracking device as a condition of lifetime supervision.

15 **SECTION 3143.** 301.48 (2) (b) (intro.) and 1. of the statutes, as created by 2005
16 Wisconsin Act 431, are consolidated, renumbered 301.48 (2) (bg) and amended to
17 read:

18 301.48 (2) (bg) The Except as provided in sub. (7), as a condition of supervised
19 release, the department shall ~~maintain lifetime tracking of~~ have a person tracked
20 using a global positioning system tracking device if any of the following occurs with
21 respect to the person, on or after July 1, 2007: 1. ~~A~~ January 1, 2008, a court places
22 the person on supervised release under s. 980.08 (6m).

23 **SECTION 3144.** 301.48 (2) (b) 2. of the statutes, as created by 2005 Wisconsin
24 Act 431, is repealed.

SENATE BILL 40**SECTION 3145**

1 **SECTION 3145.** 301.48 (2) (b) 3. of the statutes, as created by 2005 Wisconsin
2 Act 431, is renumbered 301.48 (2) (br) and amended to read:

3 301.48 (2) (br) ~~The Except as provided in sub. (6) or (7), as a condition of parole,~~
4 ~~the department shall have a person tracked using a global positioning system~~
5 ~~tracking device if, on or after January 1, 2008, the department of health and family~~
6 ~~services places the person on parole or discharges the person under ch. 975. This~~
7 ~~subdivision paragraph~~ does not apply unless the person's commitment was based on
8 his or her commission of a serious child sex offense.

9 **SECTION 3146.** 301.48 (2) (c) (intro.) of the statutes, as created by 2005
10 Wisconsin Act 431, is amended to read:

11 301.48 (2) (c) (intro.) ~~The Except as provided in sub. (6) or (7), the~~ department
12 shall have a person tracked using a global positioning system tracking device if all
13 of the following apply:

14 **SECTION 3147.** 301.48 (2) (c) 2. of the statutes, as created by 2005 Wisconsin
15 Act 431, is repealed and recreated to read:

16 301.48 (2) (c) 2. On or after January 1, 2008, the department begins supervision
17 of the person under s. 302.25.

18 **SECTION 3148.** 301.48 (2) (d) of the statutes, as created by 2005 Wisconsin Act
19 431, is amended to read:

20 301.48 (2) (d) If, on or after ~~July 1, 2007~~ January 1, 2008, a person is being
21 placed on ~~probation, extended supervision, or parole, or lifetime supervision~~ for
22 committing a sex offense and par. (a) ~~(b)~~ (ag), (ar), (bg), or (c) does not apply, the
23 department may have the person tracked using a global positioning system tracking
24 device as a condition of the person's ~~probation, extended supervision, or parole, or~~
25 lifetime supervision.

SENATE BILL 40**SECTION 3149**

1 **SECTION 3149.** 301.48 (2m) of the statutes, as created by 2005 Wisconsin Act
2 431, is repealed.

3 **SECTION 3150.** 301.48 (3) (a) (intro.) of the statutes, as created by 2005
4 Wisconsin Act 431, is amended to read:

5 301.48 (3) (a) (intro.) ~~Except as provided in sub. (2m), the~~ The department shall
6 implement ~~—a—~~ continuous global positioning ~~tracking~~ system tracking to
7 electronically ~~monitor~~ record the whereabouts of persons who are subject to this
8 section. The system shall do all of the following:

9 **SECTION 3151.** 301.48 (3) (a) 1. of the statutes, as created by 2005 Wisconsin
10 Act 431, is amended to read:

11 301.48 (3) (a) 1. Use field monitoring equipment that supports cellular
12 communications with as large a coverage area as possible and ~~shall automatically~~
13 ~~provide~~ allows instantaneous or nearly instantaneous information regarding the
14 whereabouts of a person who is being ~~monitored~~ tracked, including information
15 regarding the person's presence in an exclusion zone established under par. (c) or
16 absence from an inclusion zone established under par. (c).

17 **SECTION 3152.** 301.48 (3) (a) 3. of the statutes, as created by 2005 Wisconsin
18 Act 431, is amended to read:

19 301.48 (3) (a) 3. ~~Immediately alert~~ Allow the department and the local law
20 enforcement agency having jurisdiction over the exclusion or inclusion zone to
21 receive an immediate alert if the person stays in any exclusion zone for any longer
22 period than the time needed to travel through the zone to get to another destination
23 or if the person leaves any inclusion zone.

24 **SECTION 3153.** 301.48 (3) (b) of the statutes, as created by 2005 Wisconsin Act
25 431, is amended to read:

SENATE BILL 40**SECTION 3153**

1 301.48 (3) (b) The department shall contract with a vendor using a competitive
2 process under s. 16.75 to provide global positioning system tracking services and
3 ~~passive positioning system tracking services~~ for purposes of this section.

4 **SECTION 3154.** 301.48 (3) (c) of the statutes, as created by 2005 Wisconsin Act
5 431, is amended to read:

6 301.48 (3) (c) For each person who is subject to global positioning system
7 tracking under this section, the department shall create individualized exclusion
8 and inclusion zones for the person, if necessary to protect public safety. In creating
9 exclusion zones, the department shall focus on areas where children congregate,
10 ~~with perimeters of 100 to 250 feet,~~ and on areas where the person has been prohibited
11 from going as a condition of ~~probation,~~ extended supervision, parole, conditional
12 release, ~~or supervised release, or lifetime supervision.~~ In creating inclusion zones
13 for a person on supervised release, the department shall consider ~~s. 980.08 (7) s.~~
14 980.08 (9).

15 **SECTION 3155.** 301.48 (4) (a) 1. of the statutes, as created by 2005 Wisconsin
16 Act 431, is amended to read:

17 301.48 (4) (a) 1. The cost of global positioning system tracking ~~or passive~~
18 ~~positioning system tracking~~ for the person.

19 **SECTION 3156.** 301.48 (4) (b) of the statutes, as created by 2005 Wisconsin Act
20 431, is amended to read:

21 301.48 (4) (b) If required by the department, a person who is subject to global
22 positioning system tracking ~~or passive positioning system tracking~~ shall pay for the
23 cost of tracking up to the amount calculated for the person under par. (a) 2. The
24 department shall collect moneys paid by the person under this paragraph and credit
25 those moneys to the appropriation under s. 20.410 (1) (gk).

SENATE BILL 40**SECTION 3157**

1 **SECTION 3157.** 301.48 (4) (c) of the statutes, as created by 2005 Wisconsin Act
2 431, is amended to read:

3 301.48 **(4)** (c) The department of health and family services shall pay for the
4 cost of tracking a person to whom sub. (2) (a) ~~4. or 5. or (b) (am) or (bg)~~ applies while
5 the person is on conditional release or supervised release to the extent that the cost
6 is not covered by payments made by the person under par. (b). The department shall
7 collect moneys paid by the department of health and family services under this
8 paragraph and credit those moneys to the appropriation under s. 20.410 (1) (kx).

9 **SECTION 3158.** 301.48 (6) (title), (a), (b), (c), (d) 1. and 2., (e), (f), (g), (h) and (i)
10 of the statutes, as created by 2005 Wisconsin Act 431, are amended to read:

11 301.48 **(6)** (title) OFFENDER'S PETITION TO TERMINATE LIFETIME TRACKING. (a)
12 Subject to par. (b), a person who is subject to ~~lifetime tracking~~ being tracked under
13 this section may file a petition requesting ~~that lifetime~~ termination of the tracking
14 ~~be terminated~~. A person shall file a petition requesting termination of ~~lifetime~~
15 tracking with the circuit court for the county in which the person was convicted or
16 found not guilty or not responsible by reason of mental disease or defect.

17 (b) 1. A person may not file a petition requesting termination of ~~lifetime~~
18 tracking if he or she has been convicted of a crime that was committed during the
19 period of ~~lifetime~~ tracking.

20 2. A person may not file a petition requesting termination of ~~lifetime~~ tracking
21 earlier than 20 years after the date on which the period of ~~lifetime~~ tracking began.
22 If a person files a petition requesting termination of ~~lifetime~~ tracking at any time
23 earlier than 20 years after the date on which the period of ~~lifetime~~ tracking began,
24 the court shall deny the petition without a hearing.

SENATE BILL 40**SECTION 3158**

1 3. A person described in sub. (2) ~~(b)~~ (bg) may not file a petition requesting
2 termination of lifetime tracking.

3 (c) Upon receiving a petition requesting termination of lifetime tracking, the
4 court shall send a copy of the petition to the district attorney responsible for
5 prosecuting the serious sex offense that was the basis for the order of lifetime
6 tracking. Upon receiving the copy of the petition, the district attorney shall conduct
7 a criminal history record search to determine whether the person has been convicted
8 of a criminal offense that was committed during the period of lifetime tracking. No
9 later than 30 days after the date on which he or she receives the copy of the petition,
10 the district attorney shall report the results of the criminal history record search to
11 the court and may provide a written response to the petition.

12 (d) 1. If the report indicates that the person filing the petition has been
13 convicted of a criminal offense that was committed during the period of lifetime
14 tracking, the court shall deny the person's petition without a hearing.

15 2. If the report indicates that the person filing the petition has not been
16 convicted of a criminal offense that was committed during the period of lifetime
17 tracking, the court shall order the person to be examined under par. (e), shall notify
18 the department that it may submit a report under par. (f), and shall schedule a
19 hearing on the petition to be conducted as provided under par. (g).

20 (e) A person filing a petition requesting termination of lifetime tracking who
21 is entitled to a hearing under par. (d) 2. shall be examined by a person who is either
22 a physician or a psychologist licensed under ch. 455 and who is approved by the court.
23 The physician or psychologist who conducts an examination under this paragraph
24 shall prepare a report of his or her examination that includes his or her opinion of
25 whether the person petitioning for termination of lifetime tracking is a danger to the

SENATE BILL 40**SECTION 3158**

1 public. The physician or psychologist shall file the report of his or her examination
2 with the court within 60 days after completing the examination, and the court shall
3 provide copies of the report to the person filing the petition and the district attorney.
4 The contents of the report shall be confidential until the physician or psychologist
5 testifies at a hearing under par. (g). The person petitioning for termination of
6 ~~lifetime~~ tracking shall pay the cost of an examination required under this paragraph.

7 (f) After it receives notification from the court under par. (d) 2., the department
8 may prepare and submit to the court a report concerning a person who has filed a
9 petition requesting termination of ~~lifetime~~ tracking. If the department prepares and
10 submits a report under this paragraph, the report shall include information
11 concerning the person's conduct while on ~~lifetime~~ tracking and an opinion as to
12 whether ~~lifetime~~ tracking of the person is still necessary to protect the public. When
13 a report prepared under this paragraph has been received by the court, the court
14 shall, before the hearing under par. (g), disclose the contents of the report to the
15 attorney for the person who filed the petition and to the district attorney. When the
16 person who filed the petition is not represented by an attorney, the contents shall be
17 disclosed to the person.

18 (g) A hearing on a petition requesting termination of ~~lifetime~~ tracking may not
19 be conducted until the person filing the petition has been examined and a report of
20 the examination has been filed as provided under par. (e). At the hearing, the court
21 shall take evidence it considers relevant to determining whether ~~lifetime~~ tracking
22 should be continued because the person who filed the petition is a danger to the
23 public. The person who filed the petition and the district attorney may offer evidence
24 relevant to the issue of the person's dangerousness and the continued need for
25 ~~lifetime~~ tracking.

SENATE BILL 40**SECTION 3158**

1 (h) The court may grant a petition requesting termination of ~~lifetime~~ tracking
2 if it determines after a hearing under par. (g) that ~~lifetime~~ tracking is no longer
3 necessary to protect the public.

4 (i) If a petition requesting termination of ~~lifetime~~ tracking is denied after a
5 hearing under par. (g), the person may not file a subsequent petition requesting
6 termination of ~~lifetime~~ tracking until at least 5 years have elapsed since the most
7 recent petition was denied.

8 **SECTION 3159.** 301.48 (7) (title) of the statutes, as created by 2005 Wisconsin
9 Act 431, is amended to read:

10 301.48 (7) (title) DEPARTMENT'S PETITION TO TERMINATE ~~LIFETIME~~ TRACKING.

11 **SECTION 3160.** 301.48 (7) (a) of the statutes, as created by 2005 Wisconsin Act
12 431, is amended to read:

13 301.48 (7) (a) The department may file a petition requesting that a person's
14 ~~lifetime tracking be terminated~~ person no longer be tracked using a global
15 positioning system tracking device if the person ~~is permanently physically~~
16 ~~incapacitated. The petition shall include affidavits from 2 physicians that explain~~
17 ~~the nature of the person's permanent physical incapacitation~~ department
18 determines that tracking is no longer necessary to protect the public.

19 **SECTION 3161.** 301.48 (7) (b) of the statutes, as created by 2005 Wisconsin Act
20 431, is amended to read:

21 301.48 (7) (b) 1. The department shall file a petition under par. (a) with the
22 circuit court for the county in which the person was convicted or found not guilty or
23 not responsible by reason of mental disease or defect or, in the case of a person
24 described in sub. (2) ~~(b)~~ (bg), the circuit court for the county in which the person was
25 found to be a sexually violent person.

SENATE BILL 40**SECTION 3161**

1 2. The department shall send a copy of a petition filed under subd. 1. to the
2 district attorney responsible for prosecuting the serious sex offense that was the
3 basis for the order of ~~lifetime~~ tracking or, in the case of a person described in sub. (2)
4 ~~(b)~~ (bg), the agency that filed the petition under s. 980.02.

5 **SECTION 3162.** 301.48 (7) (c) of the statutes, as created by 2005 Wisconsin Act
6 431, is amended to read:

7 301.48 (7) (c) Upon its own motion or upon the motion of the party to whom the
8 petition was sent under par. (b) 2., the court may order that the person to whom the
9 petition relates be examined by a physician, or a psychologist licensed under ch. 455,
10 who is approved by the court. The physician or psychologist who conducts an
11 examination under this paragraph shall prepare a report of his or her examination
12 that includes his or her opinion of whether the person is ~~permanently physically~~
13 ~~incapacitated~~ a danger to the public. The physician or psychologist shall file the
14 report of his or her examination with the court within 60 days after completing the
15 examination, and the court shall provide copies of the report to the department and
16 the party to whom the petition was sent under par. (b) 2. The contents of the report
17 shall be confidential until the physician or psychologist testifies at a hearing under
18 par. (d). The department shall pay the cost of an examination required under this
19 paragraph.

20 **SECTION 3163.** 301.48 (7) (d) of the statutes, as created by 2005 Wisconsin Act
21 431, is amended to read:

22 301.48 (7) (d) The court shall conduct a hearing on a petition filed under par.
23 (b) 1., but if the court has ordered ~~a physical~~ an examination under par. (c), the
24 hearing may not occur until after the examination is complete and a report of the
25 examination has been filed as provided under par. (c). At the hearing, the court shall

SENATE BILL 40**SECTION 3163**

1 take evidence it considers relevant to determining whether the person to whom the
2 petition relates ~~is permanently physically incapacitated so that he or she is not~~ would
3 be a danger to the public if not tracked under this section using a global positioning
4 system tracking device. The department and the party to whom the petition was sent
5 under par. (b) 2. may offer relevant evidence regarding that issue.

6 **SECTION 3164.** 301.48 (7) (e) of the statutes, as created by 2005 Wisconsin Act
7 431, is amended to read:

8 301.48 (7) (e) The court may grant a petition filed under par. (b) 1. if it
9 determines after a hearing under par. (d) that the person to whom the petition relates
10 ~~is permanently physically incapacitated so that he or she is~~ would not be a danger
11 to the public if not tracked under this section using a global positioning system
12 tracking device.

13 **SECTION 3165.** 301.48 (8) (title) of the statutes is created to read:

14 301.48 (8) (title) TRACKING OPTIONS IF RELATIVE.

15 **SECTION 3166.** 301.48 (8) (b) of the statutes, as created by 2005 Wisconsin Act
16 431, is amended to read:

17 301.48 (8) (b) Notwithstanding sub. (2), ~~the department may terminate a~~
18 ~~person's lifetime tracking after 10 years or (7), if a person is subject to being tracked~~
19 under this section and if the victim of the serious child sex offense for which the
20 person is being tracked is a relative of the person being tracked, the department may
21 decide not to track the person if the department determines the person would not be
22 a danger to the public if not tracked.

23 **SECTION 3167.** 302.045 (3) of the statutes is amended to read:

24 302.045 (3) PAROLE ELIGIBILITY. Except as provided in sub. (4), if the department
25 determines that an inmate serving a sentence other than one imposed under s.

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1 973.01 has successfully completed the challenge incarceration program, the parole
2 earned release review commission shall parole the inmate for that sentence under
3 s. 304.06, regardless of the time the inmate has served. When the parole earned
4 release review commission grants parole under this subsection, it must require the
5 parolee to participate in an intensive supervision program for drug abusers as a
6 condition of parole.

7 **SECTION 3168.** 302.05 (1) (c) of the statutes is amended to read:

8 302.05 (1) (c) ~~The Robert E. Ellsworth Correctional Center~~ The department of
9 corrections and the department of health and family services shall, at any
10 correctional facility the departments determine is appropriate, provide a substance
11 abuse treatment program for inmates for the purposes of the earned release program
12 described in sub. (3).

13 **SECTION 3169.** 302.05 (3) (b) of the statutes is amended to read:

14 302.05 (3) (b) Except as provided in par. (d), if the department determines that
15 an eligible inmate serving a sentence other than one imposed under s. 973.01 has
16 successfully completed a treatment program described in sub. (1), the parole earned
17 release review commission shall parole the inmate for that sentence under s. 304.06,
18 regardless of the time the inmate has served. If the parole earned release review
19 commission grants parole under this paragraph, it shall require the parolee to
20 participate in an intensive supervision program for drug abusers as a condition of
21 parole.

22 **SECTION 3170.** 302.11 (1g) (b) (intro.) of the statutes is amended to read:

23 302.11 (1g) (b) (intro.) Before an incarcerated inmate with a presumptive
24 mandatory release date reaches the presumptive mandatory release date specified
25 under par. (am), the parole earned release review commission shall proceed under

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1 s. 304.06 (1) to consider whether to deny presumptive mandatory release to the
2 inmate. If the ~~parole~~ earned release review commission does not deny presumptive
3 mandatory release, the inmate shall be released on parole. The ~~parole~~ earned release
4 review commission may deny presumptive mandatory release to an inmate only on
5 one or more of the following grounds:

6 **SECTION 3171.** 302.11 (1g) (b) 2. of the statutes is amended to read:

7 302.11 **(1g)** (b) 2. Refusal by the inmate to participate in counseling or
8 treatment that the social service and clinical staff of the institution determines is
9 necessary for the inmate, including pharmacological treatment using an
10 antiandrogen or the chemical equivalent of an antiandrogen if the inmate is a serious
11 child sex offender as defined in s. 304.06 (1q) (a). The ~~parole~~ earned release review
12 commission may not deny presumptive mandatory release to an inmate because of
13 the inmate's refusal to participate in a rehabilitation program under s. 301.047.

14 **SECTION 3172.** 302.11 (1g) (c) of the statutes is amended to read:

15 302.11 **(1g)** (c) If the ~~parole~~ earned release review commission denies
16 presumptive mandatory release to an inmate under par. (b), the ~~parole~~ earned
17 release review commission shall schedule regular reviews of the inmate's case to
18 consider whether to parole the inmate under s. 304.06 (1).

19 **SECTION 3173.** 302.11 (1g) (d) of the statutes is amended to read:

20 302.11 **(1g)** (d) An inmate may seek review of a decision by the ~~parole~~ earned
21 release review commission relating to the denial of presumptive mandatory release
22 only by the common law writ of certiorari.

23 **SECTION 3174.** 302.11 (1m) of the statutes is amended to read:

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1 302.11 **(1m)** An inmate serving a life term is not entitled to mandatory release.
2 Except as provided in ss. 939.62 (2m) (c) and 973.014, the parole earned release
3 review commission may parole the inmate as specified in s. 304.06 (1).

4 **SECTION 3175.** 302.11 (7) (c) of the statutes is amended to read:

5 302.11 **(7)** (c) The parole earned release review commission may subsequently
6 parole, under s. 304.06 (1), and the department may subsequently parole, under s.
7 304.02, a parolee who is returned to prison for violation of a condition of parole.

8 **SECTION 3176.** 302.113 (2) of the statutes is amended to read:

9 302.113 **(2)** Except as provided in subs. (3) and (9), an inmate subject to this
10 section is entitled to release to extended supervision after he or she has served the
11 term of confinement in prison portion of the sentence imposed under s. 973.01, as
12 modified by the sentencing court under sub. (9g) or s. 302.045 (3m) (b) 1., 302.05 (3)
13 (c) 2. a., or 973.195 (1r), if applicable, or as adjusted by the earned release review
14 commission under s. 304.06 (1) (b).

15 **SECTION 3177.** 302.113 (8m) (b) of the statutes is amended to read:

16 302.113 **(8m)** (b) If a person released to extended supervision under this section
17 signs a statement admitting a violation of a condition or rule of extended supervision,
18 the department may, as a sanction for the violation, confine the person for up to 90
19 days in a facility owned or operated by the department, in a regional detention
20 facility or, with the approval of the sheriff, in a county jail, in a Huber facility under
21 s. 303.09, or in a work camp under s. 303.10. If the department confines the person
22 in a county jail under this paragraph, the department shall reimburse the county for
23 its actual costs in confining the person from the appropriations under s. 20.410 (1)
24 (ab) and (b). Notwithstanding s. 302.43, the person is not eligible to earn good time
25 credit on any period of confinement imposed under this subsection.

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1 **SECTION 3178.** 302.372 (2) (b) of the statutes is amended to read:

2 302.372 **(2)** (b) Before seeking any reimbursement under this section, the
3 county shall provide a form to be used for determining the financial status of
4 prisoners. The form shall provide for obtaining the social security number of the
5 prisoner, the age and marital status of a prisoner, the number and ages of children
6 of a prisoner, the number and ages of other dependents of a prisoner, the income of
7 a prisoner, type and value of real estate owned by a prisoner, type and value of
8 personal property owned by a prisoner, the prisoner's cash and financial institution
9 accounts, type and value of the prisoner's investments, pensions and annuities and
10 any other personalty of significant cash value owned by a prisoner. The county shall
11 use the form whenever investigating the financial status of prisoners. The
12 information on a completed form is confidential and not open to public inspection or
13 copying under s. 19.35 (1), except that the county shall provide the name and address
14 of an individual, the name and address of the individual's employer and financial
15 information related to the individual from a form completed under this paragraph
16 in response to a request for information under s. 49.22 (2m) made by the department
17 of ~~workforce development~~ children and families or a county child support agency
18 under s. 59.53 (5).

19 **SECTION 3179.** 302.38 (3) of the statutes is amended to read:

20 302.38 **(3)** The maximum amount that a governmental unit may pay for the
21 costs of medical or hospital care under this section is limited for that care to the
22 amount payable by medical assistance under subch. IV of ch. 49, ~~except s. excluding~~
23 ss. 49.468 and 49.471 (11), for care for which a medical assistance rate exists. No
24 provider of medical or hospital care may bill a prisoner under sub. (1) for the cost of
25 care exceeding the amount paid under this subsection by the governmental unit. If

SENATE BILL 40**SECTION 3179**

1 no medical assistance rate exists for the care provided, there is no limitation under
2 this subsection.

3 **SECTION 3180.** 302.386 (1) of the statutes is amended to read:

4 302.386 (1) Except as provided in sub. (5), liability for medical and dental
5 services furnished to residents housed in prisons identified in s. 302.01, in a juvenile
6 correctional facility, or in a secured residential care center for children and youth, or
7 to forensic patients in state institutions for those services that are not provided by
8 employees of the department shall be limited to the amounts payable under ss. 49.43
9 to 49.47, ~~except s. 49.471, excluding ss. 49.468 and 49.471 (11),~~ for similar services.
10 The department may waive any such limit if it determines that needed services
11 cannot be obtained for the applicable amount. No provider of services may bill the
12 resident or patient for the cost of services exceeding the amount of the liability under
13 this subsection.

14 **SECTION 3181.** 304.01 (title) of the statutes is amended to read:

15 **304.01 (title) Parole Earned release review commission and**
16 **commission chairperson; general duties.**

17 **SECTION 3182.** 304.01 (1) of the statutes is amended to read:

18 304.01 (1) The chairperson of the parole earned release review commission
19 shall administer and supervise the commission and its activities and shall be the
20 final ~~parole granting authority for granting parole, release to extended supervision,~~
21 ~~or termination of extended supervision,~~ except as provided in s. 304.02 or 973.195.

22 **SECTION 3183.** 304.01 (2) (intro.) of the statutes is amended to read:

23 304.01 (2) (intro.) The parole earned release review commission shall conduct
24 regularly scheduled interviews to consider the parole or release to extended
25 supervision of eligible inmates of the adult correctional institutions under the

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1 control of the department of corrections, eligible inmates transferred under ch. 51
2 and under the control of the department of health and family services and eligible
3 inmates in any county house of correction. The department of corrections shall
4 provide all of the following to the ~~parole~~ earned release review commission:

5 **SECTION 3184.** 304.01 (2) (b) of the statutes is amended to read:

6 304.01 (2) (b) Scheduling assistance for ~~parole~~ interviews for prisoners who
7 have applied for parole or release to extended supervision at the correctional
8 institutions.

9 **SECTION 3185.** 304.01 (2) (c) of the statutes is amended to read:

10 304.01 (2) (c) Clerical support related to the ~~parole~~ interviews for prisoners who
11 have applied for parole or release to extended supervision.

12 **SECTION 3186.** 304.01 (2) (d) of the statutes is amended to read:

13 304.01 (2) (d) Appropriate physical space at the correctional institutions to
14 conduct the ~~parole~~ interviews for prisoners who have applied for parole or release to
15 extended supervision.

16 **SECTION 3187.** 304.06 (title) of the statutes is amended to read:

17 **304.06 (title) Paroles Release to parole or extended supervision from**
18 **state prisons and house of correction; termination of extended supervision.**

19 **SECTION 3188.** 304.06 (1) (b) of the statutes is amended to read:

20 304.06 (1) (b) Except as provided in s. 961.49 (2), 1999 stats., sub. (1m) or s.
21 302.045 (3), 302.05 (3) (b), 973.01 (6), or 973.0135, the ~~parole~~ earned release review
22 commission may parole an inmate of the Wisconsin state prisons or any felon or any
23 person serving at least one year or more in a county house of correction or a county
24 reforestation camp organized under s. 303.07, when he or she has served 25% of the
25 sentence imposed for the offense, or 6 months, whichever is greater. The earned

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1 release review board may release to extended supervision a person sentenced under
2 s. 973.01 for a Class F to a Class I felony after the person has served at least 75
3 percent of the term of confinement in prison portion of the sentence, and may
4 terminate extended supervision of a person sentenced under s. 973.01 for a Class F
5 to a Class I felony after the person has completed 75 percent of his or her extended
6 supervision portion of the sentence. Except as provided in s. 939.62 (2m) (c) or
7 973.014 (1) (b) or (c), (1g) or (2), the ~~parole~~ earned release review commission may
8 parole an inmate serving a life term when he or she has served 20 years, as modified
9 by the formula under s. 302.11 (1) and subject to extension under s. 302.11 (1q) and
10 (2), if applicable. The person serving the life term shall be given credit for time served
11 prior to sentencing under s. 973.155, including good time under s. 973.155 (4). The
12 secretary may grant special action parole releases under s. 304.02. The department
13 or the ~~parole~~ earned release review commission shall not provide any convicted
14 offender or other person sentenced to the department's custody any ~~parole~~ eligibility
15 or evaluation for parole or release to extended supervision until the person has been
16 confined at least 60 days following sentencing.

17 **SECTION 3189.** 304.06 (1) (bn) of the statutes is created to read:

18 304.06 (1) (bn) The earned release review commission may consider any of the
19 following as a ground for a petition under par. (b) for sentence reduction by a person
20 who is sentenced under s. 973.01 for a Class F to Class I felony:

21 1. The inmate's conduct, efforts at and progress in rehabilitation, or
22 participation and progress in education, treatment, or other correctional programs
23 since he or she was sentenced.

24 2. A change in law or procedure related to sentencing or revocation of extended
25 supervision effective after the inmate was sentenced that would have resulted in a

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1 shorter term of confinement in prison or, if the inmate was returned to prison upon
2 revocation of extended supervision, a shorter period of confinement in prison upon
3 revocation, if the change had been applicable when the inmate was sentenced.

4 3. The inmate is subject to a sentence of confinement in another state or the
5 inmate is in the United States illegally and may be deported.

6 4. Sentence adjustment is otherwise in the interests of justice.

7 **SECTION 3190.** 304.06 (1) (br) of the statutes is created to read:

8 304.06 (1) (br) 1. Except as provided under subd. 2., the earned release review
9 commission may reduce the term of confinement of a person who is sentenced under
10 s. 973.01 for a Class F to Class I felony only as follows:

11 a. If the inmate is serving the term of confinement in prison portion of the
12 sentence, a reduction in the term of confinement in prison by the amount of time
13 remaining in the term of confinement in prison portion of the sentence, less up to 30
14 days, and a corresponding increase in the term of extended supervision.

15 b. If the inmate is confined in prison upon revocation of extended supervision,
16 a reduction in the amount of time remaining in the period of confinement in prison
17 imposed upon revocation, less up to 30 days, and a corresponding increase in the term
18 of extended supervision.

19 2. a. If the earned release review commission adjusts a sentence under subd.
20 1. on the basis of a change in law or procedure as provided under par. (bn) 2. and the
21 total sentence length of the adjusted sentence is greater than the maximum sentence
22 length that the offender could have received if the change in law or procedure had
23 been applicable when the inmate was originally sentenced, the earned release review
24 commission may reduce the length of the term of extended supervision so that the
25 total sentence length does not exceed the maximum sentence length that the offender

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1 could have received if the change in law or procedure had been applicable when the
2 inmate was originally sentenced.

3 b. If the earned release review commission adjusts a sentence under subd. 1.
4 on the basis of a change in law or procedure as provided under par. (bn) 2. and the
5 adjusted term of extended supervision is greater than the maximum term of
6 extended supervision that the offender could have received if the change in law or
7 procedure had been applicable when the inmate was originally sentenced, the earned
8 release review commission may reduce the length of the term of extended
9 supervision so that the term of extended supervision does not exceed the maximum
10 term of extended supervision that the offender could have received if the change in
11 law or procedure had been applicable when the inmate was originally sentenced.

12 **SECTION 3191.** 304.06 (1) (bu) of the statutes is created to read:

13 304.06 (1) (bu) An inmate who is sentenced under s. 973.01 for a Class F to Class
14 I felony may submit only one petition under this subsection for each sentence
15 imposed under s. 973.01.

16 **SECTION 3192.** 304.06 (1) (c) (intro.) of the statutes is amended to read:

17 304.06 (1) (c) (intro.) If an inmate applies for parole, release to extended
18 supervision, or termination of extended supervision under this subsection, the
19 ~~parole~~ earned release review commission shall make a reasonable attempt to notify
20 the following, if they can be found, in accordance with par. (d):

21 **SECTION 3193.** 304.06 (1) (d) 1. of the statutes is amended to read:

22 304.06 (1) (d) 1. The notice under par. (c) shall inform the offices and persons
23 under par. (c) 1. to 3. of the manner in which they may provide written statements
24 under this subsection, shall inform persons under par. (c) 3. of the manner in which
25 they may attend interviews or hearings and make statements under par. (eg) and

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1 shall inform persons under par. (c) 3. who are victims, or family members of victims,
2 of crimes specified in s. 940.01, 940.03, 940.05, 940.225 (1) ~~or~~, (2), or (3), 948.02 (1)
3 or (2), 948.025, 948.06 or 948.07 of the manner in which they may have direct input
4 in the ~~parole~~ decision-making process under par. (em) for parole, release to extended
5 supervision, or termination of extended supervision. The ~~parole~~ earned release
6 review commission shall provide notice under this paragraph for an inmate's first
7 application for parole, release to extended supervision, or termination of extended
8 supervision and, upon request, for subsequent applications for parole.

9 **SECTION 3194.** 304.06 (1) (e) of the statutes is amended to read:

10 304.06 (1) (e) The ~~parole~~ earned release review commission shall permit any
11 office or person under par. (c) 1. to 3. to provide written statements. The ~~parole~~
12 earned release review commission shall give consideration to any written statements
13 provided by any such office or person and received on or before the date specified in
14 the notice. This paragraph does not limit the authority of the ~~parole~~ earned release
15 review commission to consider other statements or information that it receives in a
16 timely fashion.

17 **SECTION 3195.** 304.06 (1) (eg) of the statutes is amended to read:

18 304.06 (1) (eg) The ~~parole~~ earned release review commission shall permit any
19 person under par. (c) 3. to attend any interview or hearing on the ~~parole~~ application
20 for parole, release to extended supervision, or termination of extended supervision
21 of an applicable inmate and to make a statement at that interview or hearing.

22 **SECTION 3196.** 304.06 (1) (em) of the statutes is amended to read:

23 304.06 (1) (em) The ~~parole~~ earned release review commission shall promulgate
24 rules that provide a procedure to allow any person who is a victim, or a family
25 member of a victim, of a crime specified in s. 940.01, 940.03, 940.05, 940.225 (1) ~~or~~,

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1 (2), or (3), 948.02 (1) or (2), 948.025, 948.06 or 948.07 to have direct input in the parole
2 decision-making process for parole, release to extended supervision, or termination
3 of extended supervision.

4 **SECTION 3197.** 304.06 (1) (f) of the statutes is amended to read:

5 304.06 (1) (f) The parole earned release review commission shall design and
6 prepare cards for persons specified in par. (c) 3. to send to the commission. The cards
7 shall have space for these persons to provide their names and addresses, the name
8 of the applicable prisoner and any other information the parole earned release
9 review commission determines is necessary. The parole earned release review
10 commission shall provide the cards, without charge, to district attorneys. District
11 attorneys shall provide the cards, without charge, to persons specified in par. (c) 3.
12 These persons may send completed cards to the parole earned release review
13 commission. All commission records or portions of records that relate to mailing
14 addresses of these persons are not subject to inspection or copying under s. 19.35 (1).
15 Before any written statement of a person specified in par. (c) 3. is made a part of the
16 documentary record considered in connection with a parole hearing for parole,
17 release to extended supervision, or termination of extended supervision under this
18 section, the parole earned release review commission shall obliterate from the
19 statement all references to the mailing addresses of the person. A person specified
20 in par. (c) 3. who attends an interview or hearing under par. (eg) may not be required
21 to disclose at the interview or hearing his or her mailing addresses.

22 **SECTION 3198.** 304.06 (1) (g) of the statutes is amended to read:

23 304.06 (1) (g) Before a person is released on parole or released to extended
24 supervision under this subsection, the parole earned release review commission
25 shall so notify the municipal police department and the county sheriff for the area

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1 where the person will be residing. The notification requirement under this
2 paragraph does not apply if a municipal department or county sheriff submits to the
3 ~~parole~~ earned release review commission a written statement waiving the right to
4 be notified. If applicable, the department shall also comply with s. 304.063.

5 **SECTION 3199.** 304.06 (1m) (intro.) of the statutes is amended to read:

6 304.06 **(1m)** (intro.) The ~~parole~~ earned release review commission may waive
7 the 25% or 6-month service of sentence requirement under sub. (1) (b) under any of
8 the following circumstances:

9 **SECTION 3200.** 304.06 (1q) (b) of the statutes is amended to read:

10 304.06 **(1q)** (b) The ~~parole~~ earned release review commission or the department
11 may require as a condition of parole or that a serious child sex offender undergo
12 pharmacological treatment using an antiandrogen or the chemical equivalent of an
13 antiandrogen. This paragraph does not prohibit the department from requiring
14 pharmacological treatment using an antiandrogen or the chemical equivalent of an
15 antiandrogen as a condition of probation.

16 **SECTION 3201.** 304.06 (1q) (c) of the statutes is amended to read:

17 304.06 **(1q)** (c) In deciding whether to grant a serious child sex offender release
18 on parole under this subsection, the ~~parole~~ earned release review commission may
19 not consider, as a factor in making its decision, that the offender is a proper subject
20 for pharmacological treatment using an antiandrogen or the chemical equivalent of
21 an antiandrogen or that the offender is willing to participate in pharmacological
22 treatment using an antiandrogen or the chemical equivalent of an antiandrogen.

23 **SECTION 3202.** 304.06 (1x) of the statutes is amended to read:

24 304.06 **(1x)** The ~~parole~~ earned release review commission may require as a
25 condition of parole that the person is placed in the intensive sanctions program under

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1 s. 301.048. In that case, the person is in the legal custody of the department under
2 that section and is subject to revocation of parole under sub. (3).

3 **SECTION 3203.** 304.06 (2m) (d) of the statutes is amended to read:

4 304.06 **(2m)** (d) The ~~parole~~ earned release review commission or the
5 department shall determine a prisoner's county of residence for the purposes of this
6 subsection by doing all of the following:

7 1. The ~~parole~~ earned release review commission or the department shall
8 consider residence as the voluntary concurrence of physical presence with intent to
9 remain in a place of fixed habitation and shall consider physical presence as prima
10 facie evidence of intent to remain.

11 2. The ~~parole~~ earned release review commission or the department shall apply
12 the criteria for consideration of residence and physical presence under subd. 1. to the
13 facts that existed on the date that the prisoner committed the serious sex offense that
14 resulted in the sentence the prisoner is serving.

15 **SECTION 3204.** 304.071 (1) of the statutes is amended to read:

16 304.071 **(1)** The ~~parole~~ earned release review commission may at any time
17 grant a parole or release to extended supervision to any prisoner in any penal
18 institution of this state, or the department may at any time suspend the supervision
19 of any person who is on probation ~~or~~, parole, or extended supervision to the
20 department, if the prisoner or person on probation ~~or~~, parole, or extended supervision
21 is eligible for induction into the U.S. armed forces. The suspension of parole,
22 extended supervision, or probation shall be for the duration of his or her service in
23 the armed forces; and the parole, extended supervision, or probation shall again
24 become effective upon his or her discharge from the armed forces in accordance with
25 regulations prescribed by the department. If he or she receives an honorable

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SECTION 3204

1 discharge from the armed forces, the governor may discharge him or her and the
 2 discharge has the effect of a pardon. Upon the suspension of parole, extended
 3 supervision, or probation by the department, the department shall issue an order
 4 setting forth the conditions under which the parole, extended supervision, or
 5 probation is suspended, including instructions as to where and when and to whom
 6 the ~~paroled~~ person on parole or extended supervision shall report upon discharge
 7 from the armed forces.

8 **SECTION 3205.** 341.135 of the statutes is repealed.

9 **SECTION 3206.** 341.25 (1) (a) of the statutes is amended to read:

10 341.25 (1) (a) For each automobile, a fee of ~~\$55~~ \$75, except that an automobile
 11 registered in this state prior to September 1, 1947, at a fee of less than \$18 shall be
 12 registered at such lesser fee plus an additional fee of \$2.

13 **SECTION 3207.** 341.25 (2) (a) of the statutes is amended to read:

14 341.25 (2) (a) Not more than 4,500 \$ ~~48.50~~ 75.00

15 **SECTION 3208.** 341.25 (2) (b) of the statutes is amended to read:

16 341.25 (2) (b) Not more than 6,000 ~~61.50~~ 84.00

17 **SECTION 3209.** 341.25 (2) (c) of the statutes is amended to read:

18 341.25 (2) (c) Not more than 8,000 ~~77.50~~ 106.00

19 **SECTION 3210.** 341.51 (4) (an) of the statutes is amended to read:

20 341.51 (4) (an) If the applicant is an individual who does not have a social
 21 security number, a statement made or subscribed under oath or affirmation that the
 22 applicant does not have a social security number. The form of the statement shall
 23 be prescribed by the department of ~~workforce development~~ children and families. A
 24 registration that is issued under this section in reliance on a statement submitted
 25 under this paragraph is invalid if the statement is false.

SENATE BILL 40**SECTION 3211**

1 **SECTION 3211.** 341.51 (4g) (b) of the statutes is amended to read:

2 341.51 **(4g)** (b) The department of transportation may not disclose any
3 information obtained under sub. (4) (am) or (ar) to any person except to the
4 department of ~~workforce development~~ children and families for the sole purpose of
5 administering s. 49.22 or the department of revenue for the sole purpose of
6 requesting certifications under s. 73.0301.

7 **SECTION 3212.** 341.51 (4m) (a) of the statutes is amended to read:

8 341.51 **(4m)** (a) A registration shall be denied, restricted, limited or suspended
9 if the applicant or licensee is an individual who is delinquent in making
10 court-ordered payments of child or family support, maintenance, birth expenses,
11 medical expenses or other expenses related to the support of a child or former spouse,
12 or who fails to comply, after appropriate notice, with a subpoena or warrant issued
13 by the department of ~~workforce development~~ children and families or a county child
14 support agency under s. 59.53 (5) and related to paternity or child support
15 proceedings, as provided in a memorandum of understanding entered into under s.
16 49.857.

17 **SECTION 3213.** 342.06 (1) (eg) of the statutes is amended to read:

18 342.06 **(1)** (eg) Except as provided in par. (eh), if the applicant is an individual,
19 the social security number of the applicant. The department of transportation may
20 not disclose a social security number obtained under this paragraph to any person
21 except to the department of ~~workforce development~~ children and families for the sole
22 purpose of administering s. 49.22 and to the department of revenue for the purposes
23 of administering state taxes and collecting debt.

24 **SECTION 3214.** 342.06 (1) (eh) of the statutes is amended to read:

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1 342.06 (1) (eh) If the applicant does not have a social security number, a
2 statement made or subscribed under oath or affirmation that the applicant does not
3 have a social security number. The form of the statement shall be prescribed by the
4 department of ~~workforce development~~ children and families. A certificate of title
5 that is issued in reliance on a statement submitted under this paragraph is invalid
6 if the statement is false.

7 **SECTION 3215.** 342.12 (4) (a) and (b) of the statutes are amended to read:

8 342.12 (4) (a) The district attorney shall notify the department when he or she
9 files a criminal complaint against a person who has been arrested for violating s.
10 346.63 (1) or (2), 940.09 (1) or 940.25 and who has 2 or more prior convictions,
11 suspensions or revocations, as counted under s. 343.307 (1). Except as provided
12 under par. (c), if the department has previously issued a valid certificate of title for
13 the motor vehicle owned by the person and involved in the violation, the department
14 may not issue a certificate of title transferring ownership of the ~~motor~~ this vehicle
15 ~~owned by the person and involved in the violation~~ upon receipt of a notice under this
16 subsection until the court assigned to hear the criminal complaint issues an order
17 permitting the department to issue a certificate of title.

18 (b) Except as provided under par. (c), if the department has previously issued
19 a valid certificate of title for the motor vehicle owned by the person and involved in
20 the violation, the department may not issue a certificate of title transferring
21 ownership of the ~~motor~~ this vehicle ~~owned by a person and involved in the violation~~
22 upon receipt of a notice of intent to revoke the person's operating privilege under s.
23 343.305 (9) (a), if the person has 3 or more prior convictions, suspensions or
24 revocations, as counted under s. 343.307 (1), until the court assigned to the hearing

SENATE BILL 40**SECTION 3215**

1 under s. 343.305 (9) issues an order permitting the department to issue a certificate
2 of title.

3 **SECTION 3216.** 342.14 (1r) of the statutes is amended to read:

4 342.14 (1r) Upon filing an application under sub. (1) or (3), an environmental
5 impact fee of \$9, by the person filing the application. All moneys collected under this
6 subsection shall be credited to the environmental fund for environmental
7 management. ~~This subsection does not apply after December 31, 2007.~~

8 **SECTION 3217.** 342.14 (3m) of the statutes is amended to read:

9 342.14 (3m) Upon filing an application under sub. (1) or (3), a supplemental
10 title fee of ~~\$7.50~~ \$9.50 by the owner of the vehicle, except that this fee shall be waived
11 with respect to an application under sub. (3) for transfer of a decedent's interest in
12 a vehicle to his or her surviving spouse. The fee specified under this subsection is
13 in addition to any other fee specified in this section.

14 **SECTION 3218.** 343.01 (2) (bc) of the statutes is created to read:

15 343.01 (2) (bc) "Home jurisdiction" means another jurisdiction that has most
16 recently issued an operator's license to a person or, if the person has not been issued
17 an operator's license by another jurisdiction, another jurisdiction where the person
18 resides.

19 **SECTION 3219.** 343.01 (2) (bm) of the statutes is created to read:

20 343.01 (2) (bm) "Member jurisdiction" means another jurisdiction that has
21 entered into the driver license agreement, as described in s. 343.02 (3) (a).

22 **SECTION 3220.** 343.01 (2) (d) of the statutes is amended to read:

23 343.01 (2) (d) "Photograph" means an unretouched image recorded by a camera
24 and reproduced on a photosensitive surface, or a digitized digital image.

25 **SECTION 3221.** 343.02 (3) of the statutes is created to read:

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1 343.02 (3) (a) To promote the efficient administration and enforcement of the
2 provisions of this chapter, this state, through the department, shall join the
3 agreement facilitated by the American Association of Motor Vehicle Administrators
4 that, as of the effective date of this paragraph [revisor inserts date], is known as
5 the “Driver License Agreement” that establishes standards among participating
6 jurisdictions for the treatment and exchange of driver licensing and conviction
7 information and other data pertinent to the licensing process.

8 (b) The department shall promulgate rules as the secretary considers
9 necessary to effectuate the purposes of the driver license agreement and shall
10 promulgate rules, timed to become effective with the effective date of the state’s
11 joinder in the driver license agreement, that identify all violations of, and
12 administrative actions under, the laws of this state and describe by type or category
13 all equivalent violations of, and administrative actions under, the laws of other
14 jurisdictions that, under the driver license agreement, are required to be recognized
15 as violations or authorized administrative actions among all jurisdictions that are
16 parties to the driver license agreement.

17 (c) The department shall provide for publication of notice of the state’s joinder
18 in the driver license agreement, including the effective date of such joinder, by notice
19 published by the revisor of statutes in the Wisconsin Administrative Register under
20 s. 35.93 (4).

21 **SECTION 3222.** 343.027 of the statutes, as affected by 2005 Wisconsin Acts 25
22 and 59, is repealed and recreated to read:

23 **343.027 Confidentiality of signatures.** Any signature collected under this
24 chapter may be maintained by the department and shall be kept confidential, except
25 that the department shall release a signature or a facsimile of a signature to the

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1 department of revenue for the purposes of administering state taxes and collecting
2 debt, to the person to whom the signature relates, to a court, district attorney, county
3 corporation counsel, city, village, or town attorney, law enforcement agency, or to the
4 driver licensing agency of another jurisdiction.

5 **SECTION 3223.** 343.03 (3) (intro.) of the statutes is amended to read:

6 343.03 (3) LICENSE VARIANTS. (intro.) Except for restricted licenses under s.
7 343.08 or temporary licenses under s. 343.10, 343.11 (1) or (3), 343.16 (6) (b), or
8 343.305 (8) (a), each operator's license issued by the department shall be in one of the
9 following categories with a descriptive legend displayed on the top front side of the
10 license document:

11 **SECTION 3224.** 343.03 (3m) of the statutes is created to read:

12 343.03 (3m) NONCITIZEN TEMPORARY LICENSE. If the issuance of any license
13 described under sub. (3) requires the license applicant to present any documentary
14 proof specified in s. 343.14 (2) (es) 4. to 7., the license shall display on the front side
15 of the license, in addition to any legend or label described in sub. (3), a legend
16 identifying the license as temporary. This noncitizen temporary license may not be
17 renewed except as provided in s. 343.165 (4) (c).

18 **SECTION 3225.** 343.03 (5) (a) of the statutes is amended to read:

19 343.03 (5) (a) Before issuing or renewing any license under this chapter, the
20 department shall obtain driver record information from the national driver registry
21 and commercial driver license information system to determine whether the
22 applicant holds a commercial driver license, or a license that is revoked, suspended
23 or canceled, or is otherwise disqualified. If the applicant is currently licensed in
24 another state jurisdiction, the department shall obtain information on the
25 applicant's license status with the state jurisdiction of licensure before issuing a

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1 license, including requesting transfer to the department of the applicant's driver
2 record information from the other jurisdiction if that jurisdiction is a member
3 jurisdiction.

4 **SECTION 3226.** 343.03 (6) (a) of the statutes is amended to read:

5 343.03 (6) (a) The Notwithstanding ss. 343.027, 343.14 (2j), and 343.237 (2),
6 the department shall, upon request, provide to the commercial driver license
7 information system and the driver licensing agencies of other states jurisdictions any
8 applicant or driver record information maintained by the department of of
9 transportation, including providing electronic access to any record or file under s.
10 343.23 (1) or (2).

11 **SECTION 3227.** 343.05 (1) (a) of the statutes is amended to read:

12 343.05 (1) (a) Except as provided in this subsection, no person may at any time
13 have more than one operator's license. This prohibition includes, without limitation,
14 having licenses from more than one state, having licenses under more than one name
15 or birthdate, ~~having an occupational license without having surrendered the revoked~~
16 ~~or suspended license document,~~ and having more than one license issued for the
17 operation of different types or classes of vehicles. This paragraph does not apply to
18 any person who has only operator's licenses issued by this state and by a country,
19 province, or subdivision that is a party to an agreement under s. 343.16 (1) (d).

20 **SECTION 3228.** 343.05 (5) (b) 1. of the statutes is amended to read:

21 343.05 (5) (b) 1. Except as provided in subd. 2. and sub. (6), any person who
22 violates sub. (3) (a) may be required to forfeit not more than \$200 for the first offense,
23 may be fined not more than \$300 and imprisoned for not more than 30 days for the
24 2nd offense occurring within 3 years, and may be fined not more than \$500 and
25 imprisoned for not more than 6 months for the 3rd or subsequent offense occurring

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1 within 3 years. A violation of a local ordinance in conformity with this section ~~or a~~
2 ~~violation of~~, a law of a federally recognized American Indian tribe or band in this
3 state in conformity with this section, or the law of another jurisdiction for an offense
4 therein which, if committed in this state, would have been a violation under this
5 section, shall count as a previous offense.

6 **SECTION 3229.** 343.06 (1) (bm) of the statutes is created to read:

7 343.06 (1) (bm) To any person whose operating privilege is currently
8 suspended, revoked, or canceled by another jurisdiction for an offense or combination
9 of offenses identified in the rules under s. 343.02 (3) (b), except if the operating
10 privilege was suspended, revoked, or canceled by another jurisdiction for failure to
11 comply with a judgment in that other jurisdiction and at least 5 years have elapsed
12 since the operating privilege was suspended, revoked, or canceled for failure to
13 comply.

14 **SECTION 3230.** 343.06 (1) (j) of the statutes is repealed.

15 **SECTION 3231.** 343.06 (1) (L) of the statutes, as created by 2005 Wisconsin Act
16 126, is amended to read:

17 343.06 (1) (L) To any person who does not provide ~~the documentary proof~~
18 ~~described in s. 343.14 (2) (er)~~ satisfy the requirements under s. 343.165.

19 **SECTION 3232.** 343.06 (2) of the statutes is amended to read:

20 343.06 (2) The department shall not issue a commercial driver license,
21 including a renewal or reinstated license, to any person during any period of
22 disqualification under s. 343.315 or 49 CFR 383.51 or the law of another jurisdiction
23 in substantial conformity therewith, as the result of one or more disqualifying
24 offenses committed on or after July 1, 1987, or to any person whose operating
25 privilege is revoked, suspended, or canceled. ~~Any~~ With respect to any person who is

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1 known to the department to be subject to disqualification as described in s. 343.44
2 (1) (d), the department shall be disqualified by the department as provided order the
3 person disqualified or provide notice as specified in s. 343.315.

4 **SECTION 3233.** 343.085 (4) of the statutes is amended to read:

5 343.085 (4) The secretary may require that a person be continued on
6 probationary status beyond the period of first issuance if such person appears by the
7 records of the department to have repeatedly violated any of the state traffic laws or
8 any local ordinance in conformity therewith or any law of a federally recognized
9 American Indian tribe or band in this state in conformity with any of the state traffic
10 laws or any law of another jurisdiction for an offense therein which, if committed in
11 this state, would have been a violation of this state's traffic laws. A person may not
12 be continued on probationary status due to a suspension under s. 343.30 (6).

13 **SECTION 3234.** 343.10 (2) (a) (intro.) of the statutes is amended to read:

14 343.10 (2) (a) (intro.) Except as provided in pars. (b) to (e), and subject to s.
15 343.165 (5), a person is eligible for an occupational license if the following conditions
16 are satisfied:

17 **SECTION 3235.** 343.10 (2) (a) 3. of the statutes is repealed.

18 **SECTION 3236.** 343.10 (6) of the statutes is amended to read:

19 343.10 (6) FEE. No person may file an application for an occupational license
20 under sub. (1) unless he or she first pays ~~a fee of \$40~~ to the department the fees
21 specified in s. 343.21 (1) (k) and (n).

22 **SECTION 3237.** 343.10 (7) (b) of the statutes is amended to read:

23 343.10 (7) (b) The Subject to s. 343.165 (5), the department shall issue an
24 occupational license as soon as practicable upon receipt of an application to the

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1 department under sub. (1) or an order from a court under sub. (4) or s. 351.07 for such
2 a license, if the department determines that the applicant is eligible under sub. (2).

3 **SECTION 3238.** 343.10 (7) (d) of the statutes is amended to read:

4 343.10 (7) (d) An occupational license issued by the department under this
5 subsection shall be in the form of a ~~photo~~ license that includes a photograph
6 described in s. 343.14 (3) and any special restrictions cards under s. 343.17 (4). The
7 license shall clearly indicate that restrictions on a special restrictions card apply and
8 that the special restrictions card is part of the person's license.

9 **SECTION 3239.** 343.10 (7) (f) of the statutes is amended to read:

10 343.10 (7) (f) The expiration date of the occupational license is the 2nd working
11 day after the date of termination of the period of revocation or suspension as provided
12 by law, or the expiration date determined under s. 343.20 (1m), whichever is earlier.
13 The occupational license may be revoked, suspended or canceled before termination
14 of that period. An occupational license is not renewable when it expires. If an
15 occupational license expires and is not revoked, suspended or canceled, the licensee
16 may obtain a new license upon that expiration but only if he or she complies with the
17 conditions specified in s. 343.38. Revocation, suspension or cancellation of an
18 occupational license has the same effect as revocation, suspension or cancellation of
19 any other license.

20 **SECTION 3240.** 343.135 (1) (a) 3. of the statutes is amended to read:

21 343.135 (1) (a) 3. Pays the all required fee fees.

22 **SECTION 3241.** 343.135 (7) of the statutes is amended to read:

23 343.135 (7) EXPIRATION; RENEWAL. A special restricted operator's license issued
24 under this section shall expire 2 years after the date of issuance. Within 90 days prior
25 to the expiration of a license, the holder of the restricted license may renew the

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1 license by paying the all required fee fees and passing the examination under sub.
2 (1) (a) 4.

3 **SECTION 3242.** 343.14 (1) of the statutes, as affected by 2005 Wisconsin Acts
4 25 and 59, is repealed and recreated to read:

5 343.14 (1) Every application to the department for a license or identification
6 card or for renewal thereof shall be made upon the appropriate form furnished by the
7 department and shall be accompanied by all required fees. Names, addresses,
8 license numbers, and social security numbers obtained by the department under this
9 subsection shall be provided to the department of revenue for the purpose of
10 administering ss. 71.93 and 71.935 and state taxes.

11 **SECTION 3243.** 343.14 (2) (a) and (br) of the statutes are amended to read:

12 343.14 (2) (a) The full legal name and principal residence address of the
13 applicant;

14 (br) If the applicant does not have a social security number, a statement made
15 or subscribed under oath or affirmation that the applicant does not have a social
16 security number and is not eligible for a social security number. The statement shall
17 provide the basis or reason that the applicant is not eligible for a social security
18 number, as well as any information requested by the department that may be needed
19 by the department for purposes of verification under s. 343.165 (1) (c). The form of
20 the statement shall be prescribed by the department, with the assistance of the
21 department of workforce development. A license that is issued or renewed under s.
22 343.17 in reliance on a statement submitted under this paragraph is invalid if the
23 statement is false.

24 **SECTION 3244.** 343.14 (2) (br) of the statutes, as affected by 2007 Wisconsin Act
25 (this act), is amended to read:

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1 343.14 (2) (br) If the applicant does not have a social security number, a
2 statement made or subscribed under oath or affirmation that the applicant does not
3 have a social security number and is not eligible for a social security number. The
4 statement shall provide the basis or reason that the applicant is not eligible for a
5 social security number, as well as any information requested by the department that
6 may be needed by the department for purposes of verification under s. 343.165 (1)
7 (c). The form of the statement shall be prescribed by the department, with the
8 assistance of the department of ~~workforce development~~ children and families. A
9 license that is issued or renewed under s. 343.17 in reliance on a statement
10 submitted under this paragraph is invalid if the statement is false.

11 **SECTION 3245.** 343.14 (2) (er) 1. and 2. of the statutes, as created by 2005
12 Wisconsin Act 126, are consolidated, renumbered 343.14 (2) (es) (intro.) and
13 amended to read:

14 343.14 (2) (es) (intro.) ~~Documentary~~ Subject to sub. (2g) (a) 2. d. and s. 343.125
15 (2) (a) and (b), valid documentary proof that the individual is a citizen or national of
16 the United States or documentary proof that the individual is legally present an alien
17 lawfully admitted for permanent or temporary residence in the United States. ~~2. If~~
18 ~~the individual is not a citizen of the United States, he or she shall provide~~
19 ~~documentary proof of his or her status as a legal permanent resident or conditional~~
20 ~~resident, a~~ or has any of the following:

21 2. A valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry
22 into the United States, a pending or,

23 3. An approved application for asylum in the United States, valid entry or has
24 entered into the United States in refugee status, a.

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1 5. A pending or approved application for temporary protected status in the
2 United States, approved.

3 6. Approved deferred action status, or a.

4 7. A pending application for adjustment of status to legal that of an alien
5 lawfully admitted for permanent resident status residence in the United States or
6 conditional permanent resident status in the United States.

7 **SECTION 3246.** 343.14 (2) (es) 1. and 4. of the statutes are created to read:

8 343.14 (2) (es) 1. Conditional permanent resident status in the United States.

9 4. A pending application for asylum in the United States.

10 **SECTION 3247.** 343.14 (2) (f) of the statutes is amended to read:

11 343.14 (2) (f) ~~Such~~ Subject to s. 343.165 (1), such further information as the
12 department considers appropriate to identify the applicant, including biometric
13 data, and such information as the department may reasonably require to enable it
14 to determine whether the applicant is by law entitled to the license applied for;

15 **SECTION 3248.** 343.14 (2j) of the statutes, as affected by 2007 Wisconsin Act
16 (this act), section 3249, is amended to read:

17 343.14 (2j) Except as provided in sub. (2g) (b) and as otherwise required to
18 administer and enforce this chapter, the department of transportation may not
19 disclose a social security number obtained from an applicant for a license under sub.
20 (2) (bm) to any person except to the department of children and families for the sole
21 purpose of administering s. 49.22 ~~or~~, to the department of revenue for the purposes
22 of administering state taxes and collecting debt, or to the driver licensing agency of
23 another jurisdiction.

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1 **SECTION 3249.** 343.14 (2j) of the statutes, as affected by 2005 Wisconsin Acts
2 25 and 59 and 2007 Wisconsin Act (this act), section 3251, is repealed and
3 recreated to read:

4 343.14 **(2j)** Except as otherwise required to administer and enforce this
5 chapter, the department of transportation may not disclose a social security number
6 obtained from an applicant for a license under sub. (2) (bm) to any person except to
7 the department of children and families for the sole purpose of administering s. 49.22
8 or to the department of revenue for the purposes of administering state taxes and
9 collecting debt.

10 **SECTION 3250.** 343.14 (2j) (a) of the statutes is repealed.

11 **SECTION 3251.** 343.14 (2j) (b) of the statutes is renumbered 343.14 (2j).

12 **SECTION 3252.** 343.14 (2r) of the statutes is created to read:

13 343.14 **(2r)** Notwithstanding sub. (2j), the department may, upon request,
14 provide to the department of health and family services any applicant information
15 maintained by the department of transportation and identified in sub. (2), including
16 providing electronic access to the information, for the sole purpose of verification by
17 the department of health and family services of birth certificate information.

18 **SECTION 3253.** 343.14 (3) of the statutes is amended to read:

19 343.14 **(3)** The department shall, as part of the application process, take a
20 digital photograph including facial image capture of the applicant to comply with s.
21 343.17 (3) (a) 2. ~~Except where specifically exempted by statute or by rule of the~~
22 ~~department, no~~ No application may be processed without the photograph being
23 taken. ~~In~~ Except as provided in s. 343.165 (4) (d), in the case of renewal licenses, the
24 photograph shall be taken once every 8 years, and shall coincide with the appearance
25 for examination which is required under s. 343.16 (3). ~~The department may make~~

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1 ~~provision for issuance of a license without a photograph if the applicant is stationed~~
2 ~~outside the state in military service and in specific situations where the department~~
3 ~~deems such action appropriate.~~

4 **SECTION 3254.** 343.14 (4m) of the statutes is amended to read:

5 343.14 **(4m)** ~~The Subject to s. 343.17 (2), the department shall develop designs~~
6 ~~for licenses and identification cards which are resistant to tampering and forgery no~~
7 ~~later than January 1, 1989. Licenses and licenses and identification cards issued on~~
8 ~~or after January 1, 1989, shall incorporate the designs required under this~~
9 ~~subsection.~~

10 **SECTION 3255.** 343.16 (3) (a) of the statutes is amended to read:

11 343.16 **(3)** (a) ~~The Except as provided in s. 343.165 (4) (d), the department shall~~
12 ~~examine every applicant for the renewal of an operator's license once every 8 years.~~
13 ~~The department may institute a method of selecting the date of renewal so that such~~
14 ~~examination shall be required for each applicant for renewal of a license to gain a~~
15 ~~uniform rate of examinations. The examination shall consist of a test of eyesight.~~
16 ~~The department shall make provisions for giving such examinations at examining~~
17 ~~stations in each county to all applicants for an operator's license. The person to be~~
18 ~~examined shall appear at the examining station nearest the person's place of~~
19 ~~residence or at such time and place as the department designates in answer to an~~
20 ~~applicant's request. In lieu of examination, the applicant may present or mail to the~~
21 ~~department a report of examination of the applicant's eyesight by an~~
22 ~~ophthalmologist, optometrist or physician licensed to practice medicine. The report~~
23 ~~shall be based on an examination made not more than 3 months prior to the date it~~
24 ~~is submitted. The report shall be on a form furnished and in the form required by~~

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1 the department. The department shall decide whether, in each case, the eyesight
2 reported is sufficient to meet the current eyesight standards.

3 **SECTION 3256.** 343.16 (5) (a) of the statutes is amended to read:

4 343.16 (5) (a) The secretary may require any applicant for a license or any
5 licensed operator to submit to a special examination by such persons or agencies as
6 the secretary may direct to determine incompetency, physical or mental disability,
7 disease, or any other condition that might prevent such applicant or licensed person
8 from exercising reasonable and ordinary control over a motor vehicle. If the
9 department requires the applicant to submit to an examination, the applicant shall
10 pay for the examination. If the department receives an application for a renewal or
11 duplicate license after voluntary surrender under s. 343.265 or receives a report from
12 a physician, advanced practice nurse prescriber certified under s. 441.16 (2), or
13 optometrist under s. 146.82 (3), or if the department has a report of 2 or more arrests
14 within a one-year period for any combination of violations of s. 346.63 (1) or (5) or
15 a local ordinance in conformity with s. 346.63 (1) or (5) or a law of a federally
16 recognized American Indian tribe or band in this state in conformity with s. 346.63
17 (1) or (5), or s. 346.63 (1m), 1985 stats., or s. 346.63 (2) or (6) or 940.25, or s. 940.09
18 where the offense involved the use of a vehicle, or the law of another jurisdiction for
19 an offense therein which, if committed in this state, would have been a violation of
20 any of these provisions, the department shall determine, by interview or otherwise,
21 whether the operator should submit to an examination under this section. The
22 examination may consist of an assessment. If the examination indicates that
23 education or treatment for a disability, disease or condition concerning the use of
24 alcohol, a controlled substance or a controlled substance analog is appropriate, the
25 department may order a driver safety plan in accordance with s. 343.30 (1q). If there

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1 is noncompliance with assessment or the driver safety plan, the department shall
2 revoke the person's operating privilege in the manner specified in s. 343.30 (1q) (d).

3 **SECTION 3257.** 343.165 of the statutes is created to read:

4 **343.165 Processing license and identification card applications. (1)**

5 The department may not complete the processing of an application for initial
6 issuance or renewal of an operator's license or identification card received by the
7 department after May 10, 2008, and no such license or identification card may be
8 issued or renewed, unless the applicant presents or provides, and the department
9 verifies under sub. (3), all of the following information:

10 (a) An identification document that includes either the applicant's photograph
11 or both the applicant's full legal name and date of birth.

12 (b) Documentation showing the applicant's date of birth, which may be the
13 identification document under par. (a).

14 (c) Proof of the applicant's social security number or, except as provided in s.
15 343.14 (2g) (a) 4., verification that the applicant is not eligible for a social security
16 number.

17 (d) Documentation showing the applicant's name and address of principal
18 residence.

19 (e) Subject to ss. 343.125 (2) (a) and (b) and 343.14 (2g) (a) 2. d., the
20 documentary proof described in s. 343.14 (2) (es).

21 **(2)** (a) The department shall, in processing any application for an operator's
22 license or identification card under sub. (1), capture a digital image of each document
23 presented or provided to the department by an applicant. Images captured under
24 this paragraph shall be maintained, in electronic storage and in a transferable

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1 format, in the applicant's file or record as provided under ss. 343.23 (2) (a) and 343.50
2 (8) (a).

3 (b) The department shall record in the applicant's file under s. 343.23 (2) (a) or
4 record under s. 343.50 (8) (a) the date on which verification under subs. (1) and (3)
5 is completed.

6 **(3)** (a) Except as provided in pars. (b) and (c), the department shall verify, in
7 the manner and to the extent required under federal law, each document presented
8 or provided to the department that is required to be presented or provided to the
9 department by an applicant under sub. (1).

10 (b) The department may not accept any foreign document, other than an official
11 passport, to satisfy a requirement under sub. (1).

12 (c) For purposes of par. (a) and sub. (1) (c), if an applicant presents a social
13 security number that is already registered to or associated with another person, the
14 department shall direct the applicant to investigate and take appropriate action to
15 resolve the discrepancy and shall not issue any operator's license or identification
16 card until the discrepancy is resolved. The department shall adopt procedures for
17 purposes of verifying that an applicant is not eligible for a social security number.

18 **(4)** (a) Subsection (1) does not apply to an application for renewal of an
19 operator's license or identification card received by the department after May 10,
20 2008, if in connection with a prior application after May 10, 2008, the applicant
21 previously presented or provided, and the department verified, the information
22 specified in sub. (1) and the department recorded the date on which the verification
23 procedures were completed as described in sub. (2) (b).

24 (b) The department shall establish an effective procedure to confirm or verify
25 an applicant's information for purposes of any application described in par. (a). The

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1 procedure shall include verification of the applicant's social security number or
2 ineligibility for a social security number.

3 (c) Notwithstanding pars. (a) and (b), no operator's license displaying the
4 legend required under s. 343.03 (3m) or identification card displaying the legend
5 required under s. 343.50 (3) may be renewed unless the applicant presents or
6 provides valid documentary proof under sub. (1) (e) and this proof shows that the
7 status by which the applicant qualified for the license or identification card has been
8 extended by the secretary of the federal department of homeland security.

9 (d) With any license or identification card renewal following a license or
10 identification card expiration established under s. 343.20 (1m) or 343.50 (5) (c) at
11 other than an 8-year interval, the department may determine whether the
12 applicant's photograph is to be taken, or if the renewal is for a license the applicant
13 is to be examined, or both, at the time of such renewal, so long as the applicant's
14 photograph is taken, and if the renewal is for a license the applicant is examined,
15 with a license or card renewal at least once every 8 years and the applicant's license
16 or identification card at all times includes a photograph.

17 (5) The department may, by rule, require that applications for reinstatement
18 of operator's licenses or identification cards, issuance of occupational licenses,
19 reissuance of operator's licenses, or issuance of duplicate licenses, received by the
20 department after May 10, 2008, be processed in a manner consistent with the
21 requirements established under this section for applications for initial issuance or
22 renewal of operator's licenses and identification cards.

23 (6) During the period in which the department processes an application under
24 this section, the department may issue a receipt under s. 343.11 (3) or 343.50 (1) (c).

25 **SECTION 3258.** 343.17 (1) of the statutes is amended to read:

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1 343.17 (1) LICENSE ISSUANCE. ~~The~~ Subject to s. 343.165, the department shall
2 issue an operator's license and endorsements, as applied for, to every qualifying
3 applicant who has paid the required fees.

4 **SECTION 3259.** 343.17 (2) of the statutes is amended to read:

5 343.17 (2) LICENSE DOCUMENT. The license shall be a single document, in
6 ~~one-part~~ one part, consisting of 2 sides, except as otherwise provided in sub. (4) and
7 s. 343.10 (7) (d). The document shall be, to the maximum extent practicable, tamper
8 proof and shall contain physical security features consistent with any requirement
9 under federal law.

10 **SECTION 3260.** 343.17 (3) (a) 1. and 5. of the statutes are amended to read:

11 343.17 (3) (a) 1. The full legal name, date of birth, and principal residence
12 address of the person.

13 5. ~~A facsimile of the~~ The person's signature, or a space upon which the licensee
14 ~~shall immediately write his or her usual signature with a pen and ink on receipt of~~
15 ~~the license, without which the license is not valid.~~

16 **SECTION 3261.** 343.17 (3) (a) 14. of the statutes, as created by 2005 Wisconsin
17 Act 126, is repealed.

18 **SECTION 3262.** 343.17 (5) of the statutes is amended to read:

19 343.17 (5) NO PHOTOS ON CERTAIN TEMPORARY LICENSES. The temporary licenses
20 issued under ss. 343.10, 343.11 (1) and (3), 343.16 (6) (b) and 343.305 (8) (a) shall be
21 on forms provided by the department and shall contain the information required by
22 sub. (3), except the license is not required to include a photograph of the licensee.
23 This subsection does not apply to a noncitizen temporary license, as described in s.
24 343.03 (3m).

25 **SECTION 3263.** 343.19 (1) of the statutes is amended to read:

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1 343.19 (1) If a license issued under this chapter or an identification card issued
2 under s. 343.50 is lost or destroyed or the name or address named in the license or
3 identification card is changed or the condition specified in s. 343.17 (3) (a) 12. or 13.
4 no longer applies, the person to whom the license or identification card was issued
5 may obtain a duplicate thereof or substitute therefor upon furnishing proof
6 satisfactory to the department of full legal name and date of birth and that the license
7 or identification card has been lost or destroyed or that application for a duplicate
8 license or identification card is being made for a change of address or name or
9 because the condition specified in s. 343.17 (3) (a) 12. or 13. no longer applies. If the
10 applicant is a male who is at least 18 years of age but less than 26 years of age, the
11 application shall include the information required under s. 343.14 (2) (em). If the
12 original license or identification card is found it shall immediately be transmitted to
13 the department. ~~Duplicates of nonphoto licenses shall be issued as nonphoto~~
14 ~~licenses.~~

15 **SECTION 3264.** 343.20 (1) (a) of the statutes is amended to read:

16 343.20 (1) (a) Except as otherwise expressly provided in this chapter,
17 reinstated licenses, probationary licenses issued under s. 343.085 and original
18 licenses other than instruction permits shall expire 2 years from the date of the
19 applicant's next birthday. Subject to s. 343.125 (3), all other licenses and license
20 endorsements shall expire 8 years after the date of issuance. The department may
21 institute any system of initial license issuance which it deems advisable for the
22 purpose of gaining a uniform rate of renewals. In order to put such a system into
23 operation, the department may issue licenses which are valid for any period less than
24 the ordinary effective period of such license. If the department issues a license that

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1 is valid for less than the ordinary effective period as authorized by this paragraph,
2 the fees due under s. 343.21 (1) ~~(a)~~, (b) and (d) shall be prorated accordingly.

3 **SECTION 3265.** 343.20 (1) (e) 1. of the statutes is amended to read:

4 343.20 **(1)** (e) 1. The person is moving to this state, surrenders his or her valid
5 commercial driver license issued by another state jurisdiction, and makes
6 application for a commercial driver license in this state.

7 **SECTION 3266.** 343.20 (1) (f) of the statutes, as created by 2005 Wisconsin Act
8 126, is amended to read:

9 343.20 **(1)** (f) The department shall cancel an operator's license, regardless of
10 the license expiration date, if the department is notified by receives information from
11 a local, state, or federal government agency that the ~~operator is no longer a citizen~~
12 ~~of the United States, a legal permanent resident of the United States, or a conditional~~
13 ~~resident of the United States, or otherwise not legally present in the United States~~
14 licensee no longer satisfies the requirements for issuance of a license under ss. 343.14
15 (2) (es) and 343.165 (1) (e).

16 **SECTION 3267.** 343.20 (1m) of the statutes, as created by 2005 Wisconsin Act
17 126, is amended to read:

18 343.20 **(1m)** ~~A~~ Notwithstanding sub. (1) (a) and (e), and except as otherwise
19 provided in this subsection, a license that is issued to a person who is not a United
20 States citizen or permanent resident and who provides documentary proof of legal
21 status as provided under s. 343.14 (2) (er) 2. shall expire on the date that the person's
22 legal presence in the United States is no longer authorized or on the expiration date
23 determined under sub. (1), whichever date is earlier. If the documentary proof as
24 provided under s. 343.14 (2) (er) 2. does not state the date that the person's legal
25 presence in the United States is no longer authorized, sub. (1) shall apply.

SENATE BILL 40**SECTION 3268**

1 **SECTION 3268.** 343.20 (1m) of the statutes, as affected by 2007 Wisconsin Act
2 (this act), is amended to read:

3 343.20 **(1m)** Notwithstanding sub. (1) (a) and (e), and except as provided in s.
4 343.165 (4) (c) and as otherwise provided in this subsection, a license that is issued
5 to a person who is not a United States citizen or permanent resident and who
6 provides documentary proof of legal status as provided under s. 343.14 (2) ~~(e)~~ 2. (es)
7 2., 4., 5., 6., or 7. shall expire on the date that the person's legal presence in the United
8 States is no longer authorized or on the expiration date determined under sub. (1),
9 whichever date is earlier. If the documentary proof as provided under s. 343.14 (2)
10 ~~(e)~~ 2. (es) does not state the date that the person's legal presence in the United States
11 is no longer authorized, sub. (1) shall apply except that, if the license was issued or
12 renewed based upon the person's presenting of any documentary proof specified in
13 s. 343.14 (2) (es) 4. to 7., the license shall, subject to s. 343.165 (4) (c), expire one year
14 after the date of issuance or renewal.

15 **SECTION 3269.** 343.20 (2) (a) of the statutes is amended to read:

16 343.20 **(2)** (a) The department shall mail to the last-known address of a
17 licensee at least 30 days prior to the expiration of the license a notice of the date upon
18 which the license must be renewed. If the license was issued or last renewed based
19 upon the person's presenting of any documentary proof specified in s. 343.14 (2) (es)
20 4. to 7., the notice shall inform the licensee of the requirement under s. 343.165 (4)
21 (c).

22 **SECTION 3270.** 343.21 (1) (n) of the statutes is created to read:

23 343.21 **(1)** (n) In addition to any other fee under this subsection, for the
24 issuance, renewal, upgrading, or reinstatement of any license, endorsement, or
25 instruction permit, a federal security verification mandate fee of \$10.

SENATE BILL 40**SECTION 3271**

1 **SECTION 3271.** 343.22 (1) of the statutes is repealed.

2 **SECTION 3272.** 343.22 (2) (intro.) and (a) of the statutes are amended to read:

3 343.22 **(2)** (intro.) Whenever any person, after applying for or receiving a
4 license ~~containing a photograph~~ under this chapter, or an identification card under
5 s. 343.50, moves from the address named in the application or in the license or
6 identification card issued to him or her or is notified by the local authorities or by the
7 postal authorities that the address so named has been changed, the person shall,
8 within ~~10~~ 30 days thereafter, do one of the following:

9 (a) Apply for a duplicate license or identification card showing on the
10 application the correct full legal name and address. The licensee or identification
11 card holder shall return the current license or identification card to the department
12 along with the application for duplicate.

13 **SECTION 3273.** 343.22 (2m) of the statutes is amended to read:

14 343.22 **(2m)** Whenever any person, after applying for or receiving a license
15 containing a photograph under this chapter, or an identification card under s. 343.50,
16 is notified by the local authorities or by the postal authorities that the address named
17 in the application or in the license or identification card issued to him or her has been
18 changed and the person applies for a duplicate license or identification card under
19 sub. (2), no fee fees shall be charged under s. 343.21 (1) (L) and (n) or 343.50 (5m) and
20 (7) for the duplicate license or identification card.

21 **SECTION 3274.** 343.22 (2m) of the statutes, as affected by 2007 Wisconsin Act
22 (this act), is amended to read:

23 343.22 **(2m)** Whenever any person, after applying for or receiving a license
24 ~~containing a photograph~~ under this chapter, or an identification card under s. 343.50,
25 is notified by the local authorities or by the postal authorities that the address named

SENATE BILL 40**SECTION 3274**

1 in the application or in the license or identification card issued to him or her has been
2 changed and the person applies for a duplicate license or identification card under
3 sub. (2), no fees shall be charged under s. 343.21 (1) (L) and (n) or 343.50 (5m) and
4 (7) for the duplicate license or identification card.

5 **SECTION 3275.** 343.22 (3) of the statutes is amended to read:

6 343.22 (3) When the name of a licensee or identification card holder is changed,
7 such person shall, within 10 days thereafter, apply for a duplicate license or
8 identification card showing the correct name and address. The licensee or
9 identification card holder shall return the current license or identification card to the
10 department along with the application for a duplicate. If the licensee holds more
11 than one type of license under this chapter, the licensee shall return all such licenses
12 to the department along with one application and fee fees for a duplicate license for
13 which the licensee may be issued a duplicate of each such license.

14 **SECTION 3276.** 343.22 (3) of the statutes, as affected by 2007 Wisconsin Act
15 (this act), is amended to read:

16 343.22 (3) When the name of a licensee or identification card holder is changed,
17 such person shall, within ~~10~~ 30 days thereafter, apply for a duplicate license or
18 identification card showing the correct full legal name and address. The licensee or
19 identification card holder shall return the current license or identification card to the
20 department along with the application for a duplicate. If the licensee holds more
21 than one type of license under this chapter, the licensee shall return all such licenses
22 to the department along with one application and fees for a duplicate license for
23 which the licensee may be issued a duplicate of each such license.

24 **SECTION 3277.** 343.23 (2) (a) (intro.) of the statutes is amended to read:

SENATE BILL 40**SECTION 3277**

1 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or
2 other person containing the application for license, permit or endorsement, a record
3 of reports or abstract of convictions, any demerit points assessed under authority of
4 s. 343.32 (2), the information in all data fields printed on any license issued to the
5 person, any notice received from the federal transportation security administration
6 concerning the person's eligibility for an "H" endorsement specified in s. 343.17 (3)
7 (d) 1m., the status of the person's authorization to operate different vehicle groups,
8 a record of any out-of-service orders issued under s. 343.305 (7) (b) or (9) (am), a
9 record of the date on which any background investigation specified in s. 343.12 (6)
10 (a) or (d) was completed, a record of the date on which any verification specified in
11 s. 343.165 (1) and (3) was completed, all documents required to be maintained under
12 s. 343.165 (2) (a), and a record of any reportable accident in which the person has
13 been involved, including specification of any type of license and endorsements issued
14 under this chapter under which the person was operating at the time of the accident
15 and an indication whether or not the accident occurred in the course of any of the
16 following:

17 **SECTION 3278.** 343.23 (2) (a) (intro.) of the statutes, as affected by 2007
18 Wisconsin Act (this act), is amended to read:

19 343.23 (2) (a) (intro.) The department shall maintain a file for each licensee or
20 other person identified in par. (am) 1. c. containing the information specified in par.
21 (am) 1. c. and for each person who is a licensee under this chapter or is a resident to
22 whom another jurisdiction has not issued an operator's license containing the
23 application for license, permit or endorsement, a record of reports or abstract of
24 convictions, any notice received from another jurisdiction of the revocation,
25 suspension, or cancellation of the person's operating privilege in that other

SENATE BILL 40**SECTION 3278**

1 jurisdiction, any demerit points assessed under authority of s. 343.32 (2), the
2 information in all data fields printed on any license issued to the person, any notice
3 received from the federal transportation security administration concerning the
4 person's eligibility for an "H" endorsement specified in s. 343.17 (3) (d) 1m., the status
5 of the person's authorization to operate different vehicle groups, a record of any
6 out-of-service orders issued under s. 343.305 (7) (b) or (9) (am), a record of the date
7 on which any background investigation specified in s. 343.12 (6) (a) or (d) was
8 completed, a record of the date on which any verification specified in s. 343.165 (1)
9 and (3) was completed, all documents required to be maintained under s. 343.165 (2)
10 (a), and a record of any reportable accident in which the person has been involved,
11 including specification of any type of license and endorsements issued under this
12 chapter under which the person was operating at the time of the accident and an
13 indication whether or not the accident occurred in the course of any of the following:

14 **SECTION 3279.** 343.23 (2) (b) of the statutes is amended to read:

15 343.23 (2) (b) The information specified in pars. (a) and (am) must be filed by
16 the department so that the complete operator's record is available for the use of the
17 secretary in determining whether operating privileges of such person shall be
18 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
19 of public safety. The record of suspensions, revocations, and convictions that would
20 be counted under s. 343.307 (2) shall be maintained permanently, except that the
21 department shall purge the record of a first violation of s. 23.33 (4c) (a) 2., 30.681 (1)
22 (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after 10 years, if the person who committed the
23 violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at the
24 time of the violation, if the person does not have a commercial driver license, if the
25 violation was not committed by a person operating a commercial motor vehicle, and

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1 if the person has no other suspension, revocation, or conviction that would be counted
2 under s. 343.307 during that 10–year period. The record of convictions for
3 disqualifying offenses under s. 343.315 (2) (h) shall be maintained for at least 10
4 years. The record of convictions for disqualifying offenses under s. 343.315 (2) (f) and
5 (j), and all records specified in par. (am), shall be maintained for at least 3 years. The
6 record of convictions for disqualifying offenses under s. 343.315 (2) (a) to (e) shall be
7 maintained permanently, except that 5 years after a licensee transfers residency to
8 another state such record may be transferred to another state of licensure of the
9 licensee if that state accepts responsibility for maintaining a permanent record of
10 convictions for disqualifying offenses. Such reports and records may be cumulative
11 beyond the period for which a license is granted, but the secretary, in exercising the
12 power of suspension granted under s. 343.32 (2) may consider only those reports and
13 records entered during the 4–year period immediately preceding the exercise of such
14 power of suspension. The department shall maintain the digital images of
15 documents specified in s. 343.165 (2) (a) for at least 10 years.

16 **SECTION 3280.** 343.23 (2) (b) of the statutes, as affected by 2007 Wisconsin Act
17 (this act), is amended to read:

18 343.23 (2) (b) The information specified in pars. (a) and (am) must be filed by
19 the department so that the complete operator’s record is available for the use of the
20 secretary in determining whether operating privileges of such person shall be
21 suspended, revoked, canceled, or withheld, or the person disqualified, in the interest
22 of public safety. The secretary may also consider the information specified in sub.
23 (2m) for purposes of this paragraph, and, except as provided in sub. (3) (a), any
24 information maintained under sub. (2m) that is described in this paragraph shall be
25 maintained for the periods specified in this paragraph. The record of suspensions,

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1 revocations, and convictions that would be counted under s. 343.307 (2) shall be
2 maintained permanently, except that the department shall purge the record of a first
3 violation of s. 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b) after
4 10 years, if the person who committed the violation had a blood alcohol concentration
5 of 0.08 or more but less than 0.1 at the time of the violation, if the person does not
6 have a commercial driver license, if the violation was not committed by a person
7 operating a commercial motor vehicle, and if the person has no other suspension,
8 revocation, or conviction that would be counted under s. 343.307 during that 10–year
9 period. The record of convictions for disqualifying offenses under s. 343.315 (2) (h)
10 shall be maintained for at least 10 years. The record of convictions for disqualifying
11 offenses under s. 343.315 (2) (f) and (j), and all records specified in par. (am), shall
12 be maintained for at least 3 years. The record of convictions for disqualifying offenses
13 under s. 343.315 (2) (a) to (e) shall be maintained permanently, except that, subject
14 to s. 343.23 (3m), 5 years after a licensee transfers residency to another state such
15 record may be transferred to another state of licensure of the licensee if that state
16 accepts responsibility for maintaining a permanent record of convictions for
17 disqualifying offenses. Such reports and records may be cumulative beyond the
18 period for which a license is granted, but the secretary, in exercising the power of
19 suspension granted under s. 343.32 (2) may consider only those reports and records
20 entered during the 4–year period immediately preceding the exercise of such power
21 of suspension. The department shall maintain the digital images of documents
22 specified in s. 343.165 (2) (a) for at least 10 years.

23 **SECTION 3281.** 343.23 (2m) of the statutes is created to read:

24 343.23 (2m) (a) Subject to sub. (3m) (b), the department shall maintain a file,
25 other than the operator’s record file specified in sub. (2) (a), for each nonresident who

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1 is convicted of a violation, or who otherwise commits an offense, in this state that
2 shall include all of the following:

3 1. A record of reports or abstract of convictions resulting from any offense
4 specified in s. 343.305 (10) (em) or 343.307.

5 2. A record of any suspension or revocation by the department of the person's
6 operating privilege under par. (b) or as provided under s. 344.08 (1m), 344.14 (1r),
7 or 344.25 (7).

8 3. A record of any administrative suspension, notice of refusal, notice of intent
9 to revoke, issuance of an out-of-service order, or report of test results under s.
10 343.305 (7) or (9).

11 (b) The department may use the file under par. (a), and the file specified in sub.
12 (2) (a) if updated as provided in sub. (3m) (b), to suspend or revoke the operating
13 privilege of, or to disqualify, a nonresident if any of the following apply:

14 1. The person is licensed by or resides in another jurisdiction that is not a
15 member jurisdiction.

16 2. The offense for which the suspension, revocation, or disqualification occurs
17 was committed in this state and is not an offense identified in the rules under s.
18 343.02 (3) (b).

19 (c) Nothing in this subsection requires the department to maintain a record of
20 any conviction other than a conviction for an offense specified in s. 343.305 (10) (em)
21 or 343.307 if, at the time of the conviction, the person was licensed in or resided in
22 another jurisdiction.

23 **SECTION 3282.** 343.23 (3m) of the statutes is created to read:

24 343.23 (3m) (a) Subject to s. 343.03 (7), upon receiving notice that a person for
25 whom the department maintains a file under sub. (2) (a) has applied for or been

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1 issued an operator's license in another jurisdiction or has transferred residency to
2 another jurisdiction, the department shall transfer to the other jurisdiction all file
3 information specified in sub. (2) (a) and (am) within 30 days of receiving such notice
4 if the other jurisdiction is a member jurisdiction or if the other jurisdiction accepts
5 responsibility for maintaining the person's operator's record. Subject to par. (b),
6 upon such transfer, the department shall not update the file described in sub. (2) (a)
7 with any information described in sub. (2) (a) and (am) except as provided under sub.
8 (2) (am) 1. c. and except as required under federal law.

9 (b) If the department transfers the operator's record file information to another
10 jurisdiction as provided in par. (a), and that other jurisdiction is not a member
11 jurisdiction, the department may continue to update the file specified in sub. (2) (a)
12 with respect to any conviction or other information described in sub. (2) (a) and (am)
13 related to an offense committed in this state that is not recorded by the other
14 jurisdiction on the person's operator's record.

15 (c) If the department transfers a person's operator's record file information to
16 another jurisdiction as provided in par. (a), the department may continue to
17 maintain and update the file specified in sub. (2m). If a person subsequently applies
18 for or is issued an operator's license under this chapter or transfers residency back
19 to this state, the department may use the file specified in sub. (2m) to update the file
20 specified in sub. (2) (a) with respect to any conviction, suspension, revocation,
21 disqualification, or other information contained in the file specified in sub. (2m)
22 related to an offense committed in this state that does not appear on an operator's
23 record transferred to the department from the person's former jurisdiction of
24 licensure or residency.

25 **SECTION 3283.** 343.23 (4) (b) of the statutes is amended to read:

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1 343.23 (4) (b) Any record of issuance of an out-of-service order under s. 343.305
2 (7) (b) or (9) (am) upon receipt of a report from the court hearing the action arising
3 out of the same incident or occurrence that the action has been dismissed or the
4 person has been found innocent of the charge of violating s. 346.63 (7) arising out of
5 that incident or occurrence. ~~In the case of a nonresident, the department shall also~~
6 ~~inform the state of licensure of the dismissal or finding of innocence.~~

7 **SECTION 3284.** 343.23 (5) of the statutes is amended to read:

8 343.23 (5) The department shall maintain the files specified in this section in
9 a form that is appropriate to the form of the records constituting those files. Records
10 under sub. (1) and files under sub. (2) shall be maintained in an electronic and
11 transferable format accessible for the purpose specified in s. 343.03 (6) (a).

12 **SECTION 3285.** 343.235 (3) (a) of the statutes is amended to read:

13 343.235 (3) (a) A law enforcement agency, a state authority, a district attorney,
14 a driver licensing agency of another jurisdiction, or a federal governmental agency,
15 to perform a legally authorized function.

16 **SECTION 3286.** 343.237 (2) of the statutes is amended to read:

17 343.237 (2) Any photograph taken of an applicant under s. 343.14 (3) or 343.50
18 (4), and any fingerprint taken of an applicant under s. 343.12 (6) (b), may be
19 maintained by the department and, except as provided in this section, shall be kept
20 confidential. Except as provided in this section, the department may release a
21 photograph or fingerprint only to the person whose photograph or fingerprint was
22 taken or to the driver licensing agency of another jurisdiction.

23 **SECTION 3287.** 343.237 (3) (intro.) of the statutes is amended to read:

24 343.237 (3) (intro.) The department shall provide a Wisconsin law enforcement
25 agency or a federal law enforcement agency with a print or electronic copy of a

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1 photograph taken on or after September 1, 1997, of an applicant under s. 343.14 (3)
2 or 343.50 (4), or a printed or electronic copy of a fingerprint taken of an applicant
3 under s. 343.12 (6) (b), if the department receives a written request on the law
4 enforcement agency's letterhead that contains all of the following:

5 **SECTION 3288.** 343.24 (3) of the statutes is amended to read:

6 343.24 (3) The department shall not disclose information concerning or related
7 to a violation as defined by s. 343.30 (6) to any person other than a court, district
8 attorney, county corporation counsel, city, village, or town attorney, law enforcement
9 agency, driver licensing agency of another jurisdiction, or the minor who committed
10 the violation or his or her parent or guardian.

11 **SECTION 3289.** 343.24 (4) (c) 1. of the statutes is amended to read:

12 343.24 (4) (c) 1. A law enforcement agency, a state authority, a district attorney,
13 a driver licensing agency of another jurisdiction, or a federal governmental agency,
14 to perform a legally authorized function.

15 **SECTION 3290.** 343.26 of the statutes is amended to read:

16 **343.26 License after cancellation.** Any person whose license has been
17 canceled, whether the license has been canceled by the secretary or stands canceled
18 as a matter of law, may apply for a new license at any time. Upon receipt of the
19 application and the all required fee fees, the department shall issue or refuse
20 issuance of the license as upon an original application. The department may, but
21 need not, require the applicant to submit to an examination as provided in s. 343.16.

22 **SECTION 3291.** 343.26 of the statutes, as affected by 2007 Wisconsin Act (this
23 act), is amended to read:

24 **343.26 License after cancellation.** Any person whose license has been
25 canceled, whether the license has been canceled by the secretary or stands canceled

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1 as a matter of law, may apply for a new license at any time. Upon receipt of the
2 application and all required fees, and after processing the application as provided in
3 s. 343.165, the department shall issue or refuse issuance of the license as upon an
4 original application. The department may, but need not, require the applicant to
5 submit to an examination as provided in s. 343.16.

6 **SECTION 3292.** 343.265 (2) of the statutes is amended to read:

7 343.265 (2) A person whose voluntary surrender of license under sub. (1) or
8 (1m) has been accepted by the department may apply for a duplicate license under
9 s. 343.19, or, if the person's license has expired during the period of surrender, a
10 renewal license, at any time. Upon receipt of the person's application and the
11 applicable fee fees under s. 343.21, the department shall issue or deny the license as
12 provided in this subchapter. The department may require the person to submit to
13 an examination under s. 343.16 (5).

14 **SECTION 3293.** 343.28 (2) of the statutes is amended to read:

15 343.28 (2) Whenever a person is convicted of any offense for which s. 343.31
16 makes mandatory the revocation by the secretary of such person's operating
17 privilege, the court in which the conviction occurred ~~shall~~ may require the surrender
18 to it of any license then held by such person. If the court requires surrender of a
19 license, the court shall destroy the license. The clerk of the court, or the justice, judge
20 or magistrate if the court has no clerk, shall, as provided in s. 345.48, forward to the
21 department the record of conviction and any surrendered licenses. ~~The record of~~
22 ~~conviction forwarded to the department, which~~ shall state whether the offender was
23 involved in an accident at the time of the offense, whether the offender was operating
24 a commercial motor vehicle at the time of the offense and, if so, whether the offender
25 was transporting hazardous materials requiring placarding or any quantity of a

SENATE BILL 40**SECTION 3293**

1 material listed as a select agent or toxin under 42 CFR 73, or was operating a vehicle
2 designed to carry, or actually carrying, 16 or more passengers, including the driver.

3 **SECTION 3294.** 343.30 (1g) (b) of the statutes is amended to read:

4 343.30 (1g) (b) A court ~~shall~~ may revoke a person's operating privilege upon the
5 person's conviction for violating s. 343.44 (1) (a), (b) or (d) or a local ordinance in
6 conformity therewith if the person has been convicted of 3 or more prior violations
7 of s. 343.44 (1) (a), (b) or (d), ~~or of~~ similar violations under s. 343.44 (1), 1997 stats.,
8 ~~or a local ordinance in conformity therewith, with s. 343.44 (1) (a), (b), or (d), or the~~
9 law of another jurisdiction prohibiting operating a motor vehicle with a suspended
10 or revoked license or while disqualified or ordered out of service, as those terms or
11 substantially similar terms are used in that other jurisdiction's laws, within the
12 5-year period preceding the violation. The revocation shall be for a period of 6
13 months, unless the court orders a period of revocation of less than 6 months and
14 places its reasons for ordering the lesser period of revocation on the record.

15 **SECTION 3295.** 343.30 (1q) (b) 4. of the statutes is amended to read:

16 343.30 (1q) (b) 4. Except as provided in subd. 4m., if the number of convictions
17 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
18 convictions, suspensions, and revocations counted under s. 343.307 (1), equals 3 or
19 more, the court shall revoke the person's operating privilege for not less than 2 years
20 nor more than 3 years. After the first 90 days of the revocation period or, if the total
21 number of convictions, suspensions, and revocations counted under this subdivision
22 within any 5-year period equals 2 or more, after one year of the revocation period has
23 elapsed, the person is eligible for an occupational license under s. 343.10 if he or she
24 has completed the assessment, if applicable, and is complying with the driver safety
25 plan ordered under par. (c), if applicable.

SENATE BILL 40**SECTION 3296**

1 **SECTION 3296.** 343.30 (1q) (c) 1. (intro.), a. and c. of the statutes are
2 consolidated, renumbered 343.30 (1q) (c) 1. and amended to read:

3 343.30 **(1q)** (c) 1. Except as provided in ~~subd. 1. a. or b.~~ this subdivision, and
4 except for a first violation of s. 346.63 (1) (b), if the person who committed the
5 violation is a licensee under this chapter or is a resident to whom another jurisdiction
6 has not issued an operator's license and had a blood alcohol concentration of 0.08 or
7 more but less than 0.1 at the time of the violation, the court shall order the person
8 to submit to and comply with an assessment by an approved public treatment facility
9 as defined in s. 51.45 (2) (c) for examination of the person's use of alcohol, controlled
10 substances or controlled substance analogs and development of a driver safety plan
11 for the person. The court shall notify the department of transportation of the
12 assessment order. The court shall notify the person that noncompliance with
13 assessment or the driver safety plan will result in revocation of the person's
14 operating privilege until the person is in compliance. The assessment order shall:
15 a. ~~If the person is a resident,~~ refer the person to an approved public treatment facility
16 in the county in which the person resides. The facility named in the order may
17 provide for assessment of the person in another approved public treatment facility.
18 The order shall provide that if the person is temporarily residing in another state,
19 the facility named in the order may refer the person to an appropriate treatment
20 facility in that state for assessment and development of a driver safety plan for the
21 person satisfying the requirements of that state. ~~c. Require~~ The assessment order
22 shall require a person who is referred to a treatment facility in another state under
23 ~~subd. 1. a. or b.~~ this subdivision to furnish the department written verification of his
24 or her compliance from the agency which administers the assessment and driver
25 safety plan program. The person shall provide initial verification of compliance

SENATE BILL 40**SECTION 3296**

1 within 60 days after the date of his or her conviction. The requirement to furnish
2 verification of compliance may be satisfied by receipt by the department of such
3 verification from the agency which administers the assessment and driver safety
4 plan program.

5 **SECTION 3297.** 343.30 (1q) (c) 1. b. of the statutes is repealed.

6 **SECTION 3298.** 343.30 (2j) (a) of the statutes is renumbered 343.30 (2j) and
7 amended to read:

8 343.30 **(2j)** A court may revoke a person's operating privilege upon the person's
9 first conviction for violating s. 346.44 or 346.62 (2m) and shall revoke a person's
10 operating privilege upon the person's ~~2nd or subsequent~~ conviction for violating s.
11 346.44 or 346.62 (2m) if within a 5-year period, the person was previously convicted
12 for violating s. 346.44 or 346.62 (2m) or the law of another jurisdiction for an offense
13 therein which, if committed in this state, would have been cause for revocation under
14 this subsection. The revocation shall be for a period of 6 months. For purposes of
15 determining prior convictions for purposes of this paragraph subsection, the 5-year
16 period shall be measured from the dates of the violations that resulted in the
17 convictions. Each conviction under s. 346.44 or 346.62 (2m) or the applicable law of
18 another jurisdiction shall be counted, except that convictions under s. 346.44 and
19 346.62 (2m) or the applicable law of another jurisdiction arising out of the same
20 incident or occurrence shall be counted as a single conviction.

21 **SECTION 3299.** 343.30 (4) of the statutes is amended to read:

22 343.30 **(4)** Whenever a court ~~or judge~~ suspends or revokes an operating
23 privilege under this section, the court ~~or judge shall immediately~~ may take
24 possession of any suspended or revoked license ~~and.~~ If the court takes possession of
25 a license, it shall destroy the license. The court shall forward it, as provided in s.

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1 345.48, to the department ~~together with~~ the record of conviction and notice of
2 suspension or revocation. Whenever a court ~~or judge~~ restricts the operating privilege
3 of a person, the court ~~or judge~~ shall forward notice of the restriction to the
4 department.

5 **SECTION 3300.** 343.30 (5) of the statutes is amended to read:

6 343.30 (5) No court may suspend or revoke an operating privilege except as
7 authorized by this chapter or ch. 345, 351, or 938 or s. 767.73, 800.09 (1) (c), 800.095
8 (4) (b) 4., 943.21 (3m), or 961.50. When a court revokes, suspends, or restricts a
9 juvenile's operating privilege under ch. 938, the department of transportation shall
10 not disclose information concerning or relating to the revocation, suspension, or
11 restriction to any person other than a court, district attorney, county corporation
12 counsel, city, village, or town attorney, law enforcement agency, driver licensing
13 agency of another jurisdiction, or the minor whose operating privilege is revoked,
14 suspended, or restricted, or his or her parent or guardian. Persons entitled to receive
15 this information shall not disclose the information to other persons or agencies.

16 **SECTION 3301.** 343.301 (1) (e) of the statutes is created to read:

17 343.301 (1) (e) The court shall notify the department, in a form and manner
18 prescribed by the department, that an order requiring a motor vehicle to be equipped
19 with an ignition interlock device has been entered. If the motor vehicle is registered
20 in this state under ch. 341 and the department has issued a valid certificate of title
21 for the vehicle under ch. 342, the registration records of the department shall reflect
22 that the order has been entered against the motor vehicle and remains unexecuted.
23 Any law enforcement officer may execute that order based on the information
24 provided by the department. The law enforcement agency shall notify the
25 department when an order has been executed under this paragraph and the

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1 department shall amend its vehicle registration records to reflect that notification
2 if the motor vehicle is registered in this state under ch. 341 and the department has
3 issued a valid certificate of title for the vehicle under ch. 342.

4 **SECTION 3302.** 343.301 (2) (d) of the statutes is amended to read:

5 343.301 (2) (d) The court shall notify the department, in a form and manner
6 prescribed by the department, that an order to immobilize a motor vehicle has been
7 entered. The If the motor vehicle is registered in this state under ch. 341 and the
8 department has issued a valid certificate of title for the vehicle under ch. 342, the
9 registration records of the department shall reflect that the order has been entered
10 against the motor vehicle and remains unexecuted. Any law enforcement officer may
11 execute that order based on the information provided by the department. The law
12 enforcement agency shall notify the department when an order has been executed
13 under this paragraph and the department shall amend its vehicle registration
14 records to reflect that notification if the motor vehicle is registered in this state under
15 ch. 341 and the department has issued a valid certificate of title for the vehicle under
16 ch. 342.

17 **SECTION 3303.** 343.305 (6) (e) 2. am. of the statutes is amended to read:

18 343.305 (6) (e) 2. am. In the case of an individual who does not have a social
19 security number, a statement made or subscribed under oath or affirmation that the
20 applicant does not have a social security number. The form of the statement shall
21 be prescribed by the department of ~~workforce development~~ children and families. A
22 permit or approval that is issued or renewed under this section in reliance on a
23 statement submitted under this subd. 2. am. is invalid if the statement is false.

24 **SECTION 3304.** 343.305 (6) (e) 3. b. of the statutes is amended to read:

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1 343.305 **(6)** (e) 3. b. The licensor may not disclose any information received
2 under subd. 2. a. or b. except to the department of ~~workforce development~~ children
3 and families for purposes of administering s. 49.22 or the department of revenue for
4 the sole purpose of requesting certifications under s. 73.0301.

5 **SECTION 3305.** 343.305 (7) (a) of the statutes is amended to read:

6 343.305 **(7)** (a) If a person submits to chemical testing administered in
7 accordance with this section and any test results indicate the presence of a detectable
8 amount of a restricted controlled substance in the person's blood or a prohibited
9 alcohol concentration, the law enforcement officer shall report the results to the
10 department ~~and take possession of the person's license and forward it to the~~
11 ~~department.~~ The person's operating privilege is administratively suspended for 6
12 months.

13 **SECTION 3306.** 343.305 (7) (b) of the statutes is amended to read:

14 343.305 **(7)** (b) If a person who was driving or operating or on duty time with
15 respect to a commercial motor vehicle submits to chemical testing administered in
16 accordance with this section and any test results indicate an alcohol concentration
17 above 0.0, the law enforcement officer ~~may take possession of the person's license and~~
18 ~~retain the license for 24 hours.~~ The person may reclaim a seized license in person
19 ~~or request return of the license by mail.~~ The law enforcement officer shall issue a
20 citation for violation of s. 346.63 (7) (a) 1., issue citations for such other violations as
21 may apply and issue an out-of-service order to the person for the 24 hours after the
22 testing, and report both the out-of-service order and the test results to the
23 department in the manner prescribed by the department. ~~If the person is a~~
24 ~~nonresident, the department shall report issuance of the out-of-service order to the~~
25 ~~driver licensing agency in the person's home jurisdiction.~~

SENATE BILL 40**SECTION 3307**

1 **SECTION 3307.** 343.305 (8) (b) 5. (intro.) of the statutes is amended to read:

2 343.305 **(8)** (b) 5. (intro.) If the hearing examiner finds that any of the following
3 applies, the examiner shall order that the administrative suspension of the person's
4 operating privilege be rescinded without payment of the any fee under s. 343.21 (1)
5 (j) or (n):

6 **SECTION 3308.** 343.305 (8) (c) 5. of the statutes is amended to read:

7 343.305 **(8)** (c) 5. If any court orders under this subsection that the
8 administrative suspension of the person's operating privilege be rescinded, the
9 person need not pay the any fee under s. 343.21 (1) (j) or (n).

10 **SECTION 3309.** 343.305 (9) (a) (intro.) of the statutes is amended to read:

11 343.305 **(9)** (a) (intro.) If a person refuses to take a test under sub. (3) (a), the
12 law enforcement officer shall immediately ~~take possession of the person's license and~~
13 prepare a notice of intent to revoke, by court order under sub. (10), the person's
14 operating privilege. If the person was driving or operating a commercial motor
15 vehicle, the officer shall issue an out-of-service order to the person for the 24 hours
16 after the refusal and notify the department in the manner prescribed by the
17 department. The officer shall issue a copy of the notice of intent to revoke the
18 privilege to the person and submit or mail a copy ~~with the person's license to the~~
19 circuit court for the county in which the arrest under sub. (3) (a) was made or to the
20 municipal court in the municipality in which the arrest was made if the arrest was
21 for a violation of a municipal ordinance under sub. (3) (a) and the municipality has
22 a municipal court. The officer shall also mail a copy of the notice of intent to revoke
23 to the attorney for that municipality or to the district attorney for that county, as
24 appropriate, and to the department. Neither party is entitled to pretrial discovery
25 in any refusal hearing, except that, if the defendant moves within 30 days after the

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1 initial appearance in person or by an attorney and shows cause therefor, the court
2 may order that the defendant be allowed to inspect documents, including lists of
3 names and addresses of witnesses, if available, and to test under s. 804.09, under
4 such conditions as the court prescribes, any devices used by the plaintiff to determine
5 whether a violation has been committed. The notice of intent to revoke the person's
6 operating privilege shall contain substantially all of the following information:

7 **SECTION 3310.** 343.305 (9) (am) (intro.) of the statutes is amended to read:

8 343.305 **(9)** (am) (intro.) If a person driving or operating or on duty time with
9 respect to a commercial motor vehicle refuses a test under sub. (3) (am), the law
10 enforcement officer shall immediately ~~take possession of the person's license~~, issue
11 an out-of-service order to the person for the 24 hours after the refusal and notify the
12 department in the manner prescribed by the department, and prepare a notice of
13 intent to revoke, by court order under sub. (10), the person's operating privilege. The
14 officer shall issue a copy of the notice of intent to revoke the privilege to the person
15 and submit or mail a copy ~~with the person's license~~ to the circuit court for the county
16 in which the refusal is made or to the municipal court in the municipality in which
17 the refusal is made if the person's refusal was in violation of a municipal ordinance
18 and the municipality has a municipal court. The officer shall also mail a copy of the
19 notice of intent to revoke to the attorney for that municipality or to the district
20 attorney for that county, as appropriate, and to the department. Neither party is
21 entitled to pretrial discovery in any refusal hearing, except that, if the defendant
22 moves within 30 days after the initial appearance in person or by an attorney and
23 shows cause therefor, the court may order that the defendant be allowed to inspect
24 documents, including lists of names and addresses of witnesses, if available, and to
25 test under s. 804.09, under such conditions as the court prescribes, any devices used

SENATE BILL 40**SECTION 3310**

1 by the plaintiff to determine whether a violation has been committed. The notice of
2 intent to revoke the person's operating privilege shall contain substantially all of the
3 following information:

4 **SECTION 3311.** 343.305 (10) (b) 3. of the statutes is amended to read:

5 343.305 (10) (b) 3. Except as provided in subd. 4m., if the number of convictions
6 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
7 convictions, suspensions, and revocations counted under s. 343.307 (2) within a
8 10-year period, equals 2, the court shall revoke the person's operating privilege for
9 2 years. After the first 90 days of the revocation period or, if the total number of
10 convictions, suspensions, and revocations counted under this subdivision within any
11 5-year period equals 2 or more, after one year of the revocation period has elapsed,
12 the person is eligible for an occupational license under s. 343.10 if he or she has
13 completed the assessment, if applicable, and is complying with the driver safety
14 plan, if applicable.

15 **SECTION 3312.** 343.305 (10) (b) 4. of the statutes is amended to read:

16 343.305 (10) (b) 4. Except as provided in subd. 4m., if the number of convictions
17 under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of other
18 convictions, suspensions, and revocations counted under s. 343.307 (2), equals 3 or
19 more, the court shall revoke the person's operating privilege for 3 years. After the
20 first 120 days of the revocation period or, if the total number of convictions,
21 suspensions, and revocations counted under this subdivision within any 5-year
22 period equals 2 or more, after one year of the revocation period has elapsed, the
23 person is eligible for an occupational license under s. 343.10 if he or she has
24 completed the assessment, if applicable, and is complying with the driver safety
25 plan, if applicable.

SENATE BILL 40**SECTION 3313**

1 **SECTION 3313.** 343.305 (10) (c) 1. (intro.), a. and c. of the statutes are
2 consolidated, renumbered 343.305 (10) (c) 1. and amended to read:

3 343.305 **(10)** (c) 1. Except as provided in ~~subd. 1. a. or b.~~ this subdivision, if the
4 person is a licensee under this chapter or is a resident to whom another jurisdiction
5 has not issued an operator's license, the court shall order the person to submit to and
6 comply with an assessment by an approved public treatment facility as defined in s.
7 51.45 (2) (c) for examination of the person's use of alcohol, controlled substances or
8 controlled substance analogs and development of a driver safety plan for the person.
9 The court shall notify the person and the department of transportation of the
10 assessment order. The court shall also notify the person that noncompliance with
11 assessment or the driver safety plan will result in license suspension until the person
12 is in compliance. The assessment order shall: ~~a. If the person is a resident~~, refer the
13 person to an approved public treatment facility in the county in which the person
14 resides. The facility named in the order may provide for assessment of the person
15 in another approved public treatment facility. The order shall provide that if the
16 person is temporarily residing in another state, the facility named in the order may
17 refer the person to an appropriate treatment facility in that state for assessment and
18 development of a driver safety plan for the person satisfying the requirements of that
19 state. ~~c. Require~~ The assessment order shall require a person who is referred to a
20 treatment facility in another state under ~~subd. 1. a. or b.~~ this subdivision to furnish
21 the department written verification of his or her compliance from the agency which
22 administers the assessment and driver safety plan program. The person shall
23 provide initial verification of compliance within 60 days after the date of his or her
24 conviction. The requirement to furnish verification of compliance may be satisfied

SENATE BILL 40**SECTION 3313**

1 by receipt by the department of such verification from the agency which administers
2 the assessment and driver safety plan program.

3 **SECTION 3314.** 343.305 (10) (c) 1. b. of the statutes is repealed.

4 **SECTION 3315.** 343.305 (11) of the statutes is amended to read:

5 343.305 **(11)** RULES. The department shall promulgate rules under ch. 227
6 necessary to administer this section. The rules shall include provisions relating to
7 the expeditious exchange of information under this section between the department
8 and law enforcement agencies, circuit courts, municipal courts, attorneys who
9 represent municipalities, ~~and district attorneys,~~ and driver licensing agencies of
10 other jurisdictions. The rules may not affect any provisions relating to court
11 procedure.

12 **SECTION 3316.** 343.31 (1) (intro.) of the statutes is amended to read:

13 343.31 **(1)** (intro.) The department shall revoke ~~a person's~~ the operating
14 privilege of a person who is a licensee under this chapter or is a resident to whom
15 another jurisdiction has not issued an operator's license upon receiving a record of
16 conviction showing that the person has been convicted of any of the following offenses
17 under a state law or under a local ordinance which is in conformity therewith or
18 under a law of a federally recognized American Indian tribe or band in this state
19 which is in conformity with state law:

20 **SECTION 3317.** 343.31 (1) (hm) of the statutes is repealed.

21 **SECTION 3318.** 343.31 (2) of the statutes is amended to read:

22 343.31 **(2)** The department shall revoke the operating privilege of any ~~resident~~
23 person who is a licensee under this chapter or is a resident to whom another
24 jurisdiction has not issued an operator's license upon receiving notice of the
25 conviction of such person in another jurisdiction for an offense therein which, if

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1 committed in this state, would have been cause for revocation under this section or
2 for revocation under s. 343.30 (1q) or which is identified in the rules under s. 343.02
3 (3) (b) as an offense for which a person is subject to revocation. Such offenses shall
4 include violation of any law of another jurisdiction that prohibits a person from using
5 a motor vehicle while intoxicated or under the influence of a controlled substance or
6 controlled substance analog, or a combination thereof; with an excess or specified
7 range of alcohol concentration; while under the influence of any drug to a degree that
8 renders the person incapable of safely driving; or while having a detectable amount
9 of a restricted controlled substance in his or her blood, as those or substantially
10 similar terms are used in that other jurisdiction's laws. ~~Upon receiving similar~~
11 ~~notice with respect to a nonresident, the department shall revoke the privilege of the~~
12 ~~nonresident to operate a motor vehicle in this state. Such revocation shall not apply~~
13 ~~to the operation of a commercial motor vehicle by a nonresident who holds a valid~~
14 ~~commercial driver license issued by another state. This subsection does not apply~~
15 ~~if the other jurisdiction in which the offense was committed suspended or revoked~~
16 ~~the person's operating privilege in that other jurisdiction as a result of the conviction~~
17 ~~and the period of suspension or revocation in that other jurisdiction has expired or~~
18 ~~if, at the time of the conviction, the person was licensed in or resided in another~~
19 jurisdiction.

20 **SECTION 3319.** 343.31 (2m) of the statutes is repealed.

21 **SECTION 3320.** 343.31 (2r) of the statutes is amended to read:

22 343.31 **(2r)** The department shall suspend ~~a person's~~ the operating privilege
23 of a person who is a licensee under this chapter or is a resident to whom another
24 jurisdiction has not issued an operator's license upon receiving a record of conviction
25 showing that the person has been convicted of perjury or the making of a false

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1 affidavit or the making of a false statement or certification to the department under
2 this chapter or any other law relating to the ownership or operation of motor vehicles.

3 **SECTION 3321.** 343.31 (2z) of the statutes is created to read:

4 343.31 **(2z)** (a) The department shall revoke, in the manner provided in sub.
5 (1), the operating privilege of a nonresident upon receiving a record of the person's
6 conviction of committing in this state any offense specified in sub. (1) if the person
7 is licensed by or resides in another jurisdiction that is not a member jurisdiction or
8 if the offense specified in sub. (1) is not an offense identified in the rules under s.
9 343.02 (3) (b).

10 (b) The department shall suspend, in the manner provided in sub. (2r), the
11 operating privilege of a nonresident upon receiving a record of the person's conviction
12 of committing in this state an offense specified in sub. (2r) if the person is licensed
13 by or resides in another jurisdiction that is not a member jurisdiction or if the offense
14 specified in sub. (2r) is not an offense identified in the rules under s. 343.02 (3) (b).

15 **SECTION 3322.** 343.31 (3) (a) of the statutes is amended to read:

16 343.31 **(3)** (a) Except as otherwise provided in this subsection or sub. ~~(2m)~~, (2s),
17 or (2x), all revocations or suspensions under this section shall be for a period of one
18 year.

19 **SECTION 3323.** 343.31 (3) (b) of the statutes is repealed.

20 **SECTION 3324.** 343.31 (3) (bg) of the statutes is created to read:

21 343.31 **(3)** (bg) The period of suspension or revocation under sub. (2) shall be
22 the same as if the person were convicted of the offense in this state.

23 **SECTION 3325.** 343.31 (3) (bm) (intro.) of the statutes is amended to read:

24 343.31 **(3)** (bm) (intro.) For any person who is a licensee under this chapter or
25 is a resident to whom another jurisdiction has not issued an operator's license and

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1 who is convicted under a law of a federally recognized American Indian tribe or band
2 in this state in conformity with s. 346.63 (1):

3 **SECTION 3326.** 343.31 (3) (c) of the statutes is amended to read:

4 343.31 (3) (c) Any person who is a licensee under this chapter or is a resident
5 to whom another jurisdiction has not issued an operator's license, or who is subject
6 to revocation of the person's operating privilege under sub. (2z) (a), and who is
7 convicted under s. 940.09 of causing the death of another or of an unborn child by the
8 operation or handling of a motor vehicle shall have his or her operating privilege
9 revoked for 5 years. If there was a minor passenger under 16 years of age or an
10 unborn child, as defined in s. 939.75 (1), in the motor vehicle at the time of the
11 violation that gave rise to the conviction under s. 940.09, the revocation period is 10
12 years.

13 **SECTION 3327.** 343.31 (3) (d) (intro.) of the statutes is amended to read:

14 343.31 (3) (d) (intro.) Any person who is a licensee under this chapter or is a
15 resident to whom another jurisdiction has not issued an operator's license, or who
16 is subject to revocation of the person's operating privilege under sub. (2z) (a), and who
17 is convicted of knowingly fleeing or attempting to elude a traffic officer under s.
18 346.04 (3) shall have his or her operating privilege revoked as follows:

19 **SECTION 3328.** 343.31 (3) (e) of the statutes is amended to read:

20 343.31 (3) (e) Any person who is a licensee under this chapter or is a resident
21 to whom another jurisdiction has not issued an operator's license, or who is subject
22 to revocation of the person's operating privilege under sub. (2z) (a), and who is
23 convicted under s. 346.63 (2) shall have his or her operating privilege revoked for not
24 less than one year nor more than 2 years. If there was a minor passenger under 16
25 years of age in the motor vehicle at the time of the violation that gave rise to the

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1 conviction under s. 346.63 (2), the minimum and maximum revocation periods are
2 doubled.

3 **SECTION 3329.** 343.31 (3) (f) of the statutes is amended to read:

4 343.31 (3) (f) Any person who is a licensee under this chapter or is a resident
5 to whom another jurisdiction has not issued an operator's license, or who is subject
6 to revocation of the person's operating privilege under sub. (2z) (a), and who is
7 convicted under s. 940.25 shall have his or her operating privilege revoked for 2
8 years. If there was a minor passenger under 16 years of age or an unborn child, as
9 defined in s. 939.75 (1), in the motor vehicle at the time of the violation that gave rise
10 to the conviction under s. 940.25, the revocation period is 4 years.

11 **SECTION 3330.** 343.31 (3) (i) of the statutes is amended to read:

12 343.31 (3) (i) If a person who is a licensee under this chapter or is a resident
13 to whom another jurisdiction has not issued an operator's license, or who is subject
14 to revocation of the person's operating privilege under sub. (2z) (a), and who is
15 convicted for a violation of s. 346.67 (1) where the accident involved great bodily
16 harm, the period of revocation is 2 years.

17 **SECTION 3331.** 343.31 (3) (j) of the statutes is amended to read:

18 343.31 (3) (j) If a person who is a licensee under this chapter or is a resident
19 to whom another jurisdiction has not issued an operator's license, or who is subject
20 to revocation of the person's operating privilege under sub. (2z) (a), and who is
21 convicted for a violation of s. 346.67 (1) where the accident involved death, the period
22 of revocation is 5 years.

23 **SECTION 3332.** 343.315 (2) (f) 7. of the statutes is amended to read:

24 343.315 (2) (f) 7. Operating a commercial motor vehicle when the person does
25 not have in his or her immediate possession the person's commercial driver license

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1 document, including any special restrictions cards that, if the commercial driver
2 license is issued under this chapter, are issued under s. 343.10 (7) (d) or 343.17 (4),
3 unless the person produces in court or in the office of the law enforcement officer that
4 issued the citation, by the date that the person must appear in court or pay any fine
5 or forfeiture with respect to the citation, a commercial driver license document
6 issued to the person prior to the date of the citation and valid at the time of the
7 citation.

8 **SECTION 3333.** 343.315 (2) (fm) of the statutes is amended to read:

9 343.315 (2) (fm) A person is disqualified for a period of 60 days from operating
10 a commercial motor vehicle if convicted of violating s. 343.14 (5) or 345.17 or the law
11 of another jurisdiction for an offense therein which, if committed in this state, would
12 have been a violation of s. 343.14 (5) or 345.17, if the violation relates to an
13 application for a commercial driver license.

14 **SECTION 3334.** 343.315 (2) (h) of the statutes is amended to read:

15 343.315 (2) (h) Except as provided in par. (i), a person is disqualified for a period
16 of 90 days from operating a commercial motor vehicle if convicted of an
17 out-of-service violation, or one year if convicted of 2 out-of-service violations, or 3
18 years if convicted of 3 or more out-of-service violations, arising from separate
19 occurrences committed within a 10-year period while driving or operating a
20 commercial motor vehicle. A disqualification under this paragraph shall be in
21 addition to any penalty imposed under s. 343.44. In this paragraph, “out-of-service
22 violation” means violating s. 343.44 (1) (c) or a law of another jurisdiction for an
23 offense therein which, if committed in this state, would have been a violation of s.
24 343.44 (1) (c), by operating a commercial motor vehicle while the operator or vehicle

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1 is ordered out-of-service under the law of this state or another jurisdiction or under
2 federal law.

3 **SECTION 3335.** 343.315 (2) (j) (intro.) of the statutes is amended to read:

4 343.315 (2) (j) (intro.) A person is disqualified for a period of 60 days from
5 operating a commercial motor vehicle if convicted of a railroad crossing violation, or
6 120 days if convicted of 2 railroad crossing violations or one year if convicted of 3 or
7 more railroad crossing violations, arising from separate occurrences committed
8 within a 3-year period while driving or operating a commercial motor vehicle. In this
9 paragraph, “railroad crossing violation” means a violation of a federal, state, or local
10 law, rule, or regulation, including the law of another jurisdiction, relating to any of
11 the following offenses at a railroad crossing:

12 **SECTION 3336.** 343.315 (3) (a) of the statutes is amended to read:

13 343.315 (3) (a) Notwithstanding s. 343.39, and subject to par. (bm), if a person's
14 license or operating privilege is revoked or suspended as the result of an offense
15 committed after March 31, 1992, which results in disqualification under sub. (2), the
16 department shall immediately disqualify the person from operating a commercial
17 motor vehicle for the period required under sub. (2). The person's authorization to
18 operate a commercial motor vehicle shall not be reinstated upon expiration of the
19 period of revocation or suspension unless the period of disqualification has also
20 expired. During any period of disqualification in which the person's license or
21 operating privilege is not revoked or suspended, the department may issue an
22 operator's license to the person for the operation of vehicles other than commercial
23 motor vehicles.

24 **SECTION 3337.** 343.315 (3) (b) of the statutes is amended to read:

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1 343.315 (3) (b) If a person's license or operating privilege is not otherwise
2 revoked or suspended as the result of an offense committed after March 31, 1992,
3 which results in disqualification under sub. (2) (a) to (f), (h), (i), or (j), the department
4 shall immediately disqualify the person from operating a commercial motor vehicle
5 for the period required under sub. (2) (a) to (f), (h), (i), or (j). Upon proper application
6 by the person and payment of ~~a duplicate license fee~~ the fees specified in s. 343.21
7 (1) (L) and (n), the department may issue a separate license authorizing only the
8 operation of vehicles other than commercial motor vehicles. Upon expiration of the
9 period of disqualification, the person may apply for authorization to operate
10 commercial motor vehicles under s. 343.26.

11 **SECTION 3338.** 343.315 (3) (b) of the statutes, as affected by 2007 Wisconsin Act
12 (this act), is amended to read:

13 343.315 (3) (b) If a person's license or operating privilege is not otherwise
14 revoked or suspended as the result of an offense committed after March 31, 1992,
15 which results in disqualification under sub. (2) (a) to (f), (h), (i), or (j), the department
16 shall, subject to par. (bm), immediately disqualify the person from operating a
17 commercial motor vehicle for the period required under sub. (2) (a) to (f), (h), (i), or
18 (j). Upon proper application by the person and payment of the fees specified in s.
19 343.21 (1) (L) and (n), the department may issue a separate license authorizing only
20 the operation of vehicles other than commercial motor vehicles. Upon expiration of
21 the period of disqualification, the person may apply for authorization to operate
22 commercial motor vehicles under s. 343.26.

23 **SECTION 3339.** 343.315 (3) (bm) of the statutes is created to read:

24 343.315 (3) (bm) Upon receiving a record of conviction for any offense causing
25 a person to be disqualified from operating a commercial motor vehicle under sub. (2)

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1 or a notice specified in sub. (2) (k), the department shall record the disqualification
2 if required by s. 343.23 (2) (am) and, subject to s. 343.03 (7) (b), do one of the following:

3 1. If the person is a licensee under this chapter or is a resident to whom another
4 jurisdiction has not issued an operator's license, the department shall issue an order
5 disqualifying the person and record the disqualification under s. 343.23 (1). The
6 department may take any other applicable administrative action against the
7 licensee or resident on the disqualification.

8 2. If the person is a nonresident, the department shall provide notice to the
9 person's home jurisdiction as required under s. 343.36 (3). Subject to s. 343.23 (2)
10 (am) 3., if the person is a nonresident, the department may not issue an order
11 disqualifying the person, record the disqualification under s. 343.23 (1), or take any
12 other administrative action against the person on the disqualification. The
13 department may record the disqualification under s. 343.23 (2m).

14 **SECTION 3340.** 343.315 (3) (d) of the statutes is amended to read:

15 343.315 (3) (d) Disqualifications Subject to sub. (4), disqualifications shall be
16 effective from the date of conviction of the disqualifying offense the order of
17 disqualification.

18 **SECTION 3341.** 343.32 (1) of the statutes is repealed.

19 **SECTION 3342.** 343.32 (1m) (a) of the statutes is repealed.

20 **SECTION 3343.** 343.32 (1m) (b) (intro.) of the statutes is amended to read:

21 343.32 (1m) (b) (intro.) The secretary shall suspend a person's the operating
22 privilege of a person who is a licensee under this chapter or is a resident to whom
23 another jurisdiction has not issued an operator's license for not less than 6 months
24 nor more than 5 years whenever notice has been received of the conviction of such
25 person under federal law or the law of a federally recognized American Indian tribe

SENATE BILL 40**SECTION 3343**

1 or band in this state or the law of another jurisdiction for any offense therein which,
2 if the person had committed the offense in this state and been convicted of the offense
3 under the laws of this state, would have required suspension of such person's
4 operating privilege under s. 961.50. This paragraph does not apply if the other
5 jurisdiction in which the offense was committed suspended or revoked the person's
6 operating privilege in that other jurisdiction as a result of the conviction and the
7 period of suspension or revocation in that other jurisdiction has expired or if, at the
8 time of the conviction, the person was licensed in or resided in another jurisdiction.

9 The person is eligible for an occupational license under s. 343.10 as follows:

10 **SECTION 3344.** 343.32 (1s) of the statutes is amended to read:

11 343.32 (1s) The Notwithstanding ss. 125.085 (3) (bd) and 343.30 (6) (bm), the
12 secretary shall suspend the operating privilege of any person who is a licensee under
13 this chapter or is a resident to whom another jurisdiction has not issued an operator's
14 license and who has been convicted under state law or under a local ordinance which
15 is in conformity therewith or under a law of a federally recognized American Indian
16 tribe or band in this state which is in conformity with state law, or the law of another
17 jurisdiction for an offense therein which, if committed in this state, would have been
18 cause for suspension under this subsection, of altering the person's license, loaning
19 the person's license to another, or unlawfully or fraudulently using or permitting an
20 unlawful or fraudulent use of a license. This paragraph does not apply if the other
21 jurisdiction in which the offense was committed suspended or revoked the person's
22 operating privilege in that other jurisdiction as a result of the conviction and the
23 period of suspension or revocation in that other jurisdiction has expired or if, at the
24 time of the conviction, the person was licensed in or resided in another jurisdiction.

25 **SECTION 3345.** 343.32 (1v) of the statutes is created to read:

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1 343.32 (1v) The secretary may suspend or revoke the operating privilege of any
2 person who is a licensee under this chapter or is a resident to whom another
3 jurisdiction has not issued an operator's license upon receiving notice of the
4 suspension or revocation in another jurisdiction of the person's operating privilege
5 for an offense therein which, if committed in this state, would have been cause for
6 suspension or revocation under any law of this state or which is identified in the rules
7 under s. 343.02 (3) (b) as an offense for which a person is subject to suspension or
8 revocation, or upon receiving notice of any circumstances occurring in another
9 jurisdiction which, if occurring in this state, would have been cause for
10 administrative suspension under s. 343.305 (7) (a). This subsection does not apply
11 if the period of suspension or revocation in the other jurisdiction has expired or if, at
12 the time of the offense or time that the circumstances occurred, the person was
13 licensed in or resided in another jurisdiction. This subsection does not apply with
14 respect to any suspension or revocation in another jurisdiction for failure to comply
15 with the order of, or appear before, a court of that other jurisdiction.

16 **SECTION 3346.** 343.32 (2) (a) of the statutes is amended to read:

17 343.32 (2) (a) The secretary may suspend a person's the operating privilege of
18 a person who is a licensee under this chapter or is a resident to whom another
19 jurisdiction has not issued an operator's license if the person appears by the records
20 of the department to be a habitually reckless or negligent operator of a motor vehicle
21 or to have repeatedly violated any of the state traffic laws, any local ordinance
22 enacted under ch. 349 or any traffic laws enacted by a federally recognized American
23 Indian tribe or band in this state if the tribal traffic laws violated strictly conform
24 to provisions in chs. 341 to 348 or, if the offense occurred on a federal military
25 installation located in this state, any federal law which is in strict conformity with

SENATE BILL 40**SECTION 3346**

1 a state traffic law, or any law of another jurisdiction for an offense therein which, if
2 committed in this state, would have been cause for demerit point assessment under
3 this subsection. The secretary may not consider, for purposes of this paragraph, any
4 offense occurring in another jurisdiction if, at the time of any conviction for the
5 offense, the person was licensed in or resided in another jurisdiction. For the purpose
6 of determining when to suspend an operating privilege under this subsection, the
7 secretary may determine and adopt by rule a method of weighing traffic convictions
8 by their seriousness and may, subject to the limitations in this subsection, change
9 such weighted scale as experience or the accident frequency in the state makes
10 necessary or desirable.

11 **SECTION 3347.** 343.325 (4) of the statutes is amended to read:

12 343.325 (4) If a person whose suspension, revocation or disqualification was
13 stayed pursuant to sub. (2) is convicted of an offense for which revocation ~~or~~
14 ~~disqualification~~ is mandatory under s. 343.31 or 343.315 an order of disqualification
15 is required under s. 343.315 (3) (bm) 1., during the pendency of the appeal of the
16 original conviction, the secretary shall forthwith revoke such person's operating
17 privilege or disqualify the person from operating a commercial motor vehicle on
18 account of the latter conviction, notwithstanding the appeal of either or both
19 convictions.

20 **SECTION 3348.** 343.33 (2) of the statutes is amended to read:

21 343.33 (2) Upon the hearing, the department or its a hearing examiner may
22 administer oaths, issue subpoenas for the attendance of witnesses and the
23 production of relevant books and papers and may require a reexamination of the
24 licensee. No law enforcement officer or other witness produced by the person who
25 has requested a hearing to testify on his or her behalf shall be paid a witness fee by

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1 the department nor shall any law enforcement officer called to appear for the
2 department be paid any witness fee. All testimony shall be taken and transcribed.

3 **SECTION 3349.** 343.34 (1) of the statutes is amended to read:

4 343.34 (1) Whenever the secretary is satisfied that a person has violated a
5 restriction on the a license issued under this chapter and that it is in the interests
6 of public safety to suspend the license, the secretary shall suspend such license for
7 a period not exceeding one year unless the violation is cause for revocation.

8 **SECTION 3350.** 343.34 (2) of the statutes is amended to read:

9 343.34 (2) When a person who is a licensee under this chapter or is a resident
10 to whom another jurisdiction has not issued an operator's license has been convicted
11 under s. 343.16 (7) (b).

12 **SECTION 3351.** 343.345 of the statutes is amended to read:

13 **343.345 Restriction, limitation or suspension of operating privilege.**

14 The department shall restrict, limit or suspend a person's operating privilege if the
15 person is delinquent in making court-ordered payments of child or family support,
16 maintenance, birth expenses, medical expenses or other expenses related to the
17 support of a child or former spouse, or who fails to comply, after appropriate notice,
18 with a subpoena or warrant issued by the department of ~~workforce development~~
19 children and families or a county child support agency under s. 59.53 (5) and related
20 to paternity or child support proceedings, as provided in a memorandum of
21 understanding entered into under s. 49.857.

22 **SECTION 3352.** 343.345 of the statutes, as affected by 2007 Wisconsin Act
23 (this act), is amended to read:

24 **343.345 Restriction, limitation or suspension of operating privilege.**

25 The department shall restrict, limit or suspend a person's the operating privilege of

SENATE BILL 40**SECTION 3352**

1 a person who is a licensee under this chapter or is a resident to whom another
2 jurisdiction has not issued an operator's license if the person is delinquent in making
3 court-ordered payments of child or family support, maintenance, birth expenses,
4 medical expenses or other expenses related to the support of a child or former spouse,
5 or who fails to comply, after appropriate notice, with a subpoena or warrant issued
6 by the department of children and families or a county child support agency under
7 s. 59.53 (5) and related to paternity or child support proceedings, as provided in a
8 memorandum of understanding entered into under s. 49.857.

9 **SECTION 3353.** 343.36 (title) of the statutes is amended to read:

10 **343.36 (title) Department to distribute suspension, revocation and**
11 **disqualification lists and nonresidents' records of conviction and notices.**

12 **SECTION 3354.** 343.36 (3) of the statutes is renumbered 343.36 (3) (a) and
13 amended to read:

14 343.36 (3) (a) ~~Upon~~ Subject to s. 343.03 (7) (b) and (c), upon receiving a record
15 of conviction showing that a nonresident operator of a motor vehicle has been
16 convicted in this state of an offense which is grounds for revocation, suspension, or
17 disqualification under the laws of this state, or upon otherwise receiving any order
18 of a court in this state suspending or revoking a nonresident's operating privilege or
19 disqualifying a nonresident, the department shall forward, within 30 days of
20 receiving the record of conviction or order, a certified copy of such record or order to
21 the motor vehicle administrator in the state wherein the person so convicted is a
22 resident driver licensing agency of the person's home jurisdiction. If the department
23 subsequently receives any notice under s. 343.325 (1) or (6) related to the conviction
24 or order, the department shall forward a certified copy of the notice to the same driver
25 licensing agency.

SENATE BILL 40**SECTION 3355**

1 **SECTION 3355.** 343.36 (3) (b), (c) and (d) of the statutes are created to read:

2 343.36 (3) (b) Subject to s. 343.03 (7) (b), upon receiving any of the following
3 information with respect to a nonresident, the department shall forward, within 30
4 days of receiving the information, notice of the information to the driver licensing
5 agency of the person's home jurisdiction:

6 1. A report of positive test results under s. 343.305 (7) (a). Notice forwarded
7 by the department shall include notice of the administrative suspension under s.
8 343.305 (7) (a).

9 2. A report of positive test results and issuance of an out-of-service order under
10 s. 343.305 (7) (b).

11 3. A report of the results of any hearing conducted by the department related
12 to positive test results described in subd. 1. or 2.

13 (c) Subject to s. 343.03 (7) (b) and (c), upon receiving a record of conviction
14 showing that a nonresident operator of a motor vehicle has been convicted in this
15 state of an offense that is identified in the rules under s. 343.02 (3) (b) but which is
16 not grounds for revocation, suspension, or disqualification under the laws of this
17 state, the department shall forward, within 30 days of receiving the record of
18 conviction, a certified copy of such record to the driver licensing agency of the person's
19 home jurisdiction. If the department subsequently receives any notice under s.
20 343.325 (1) or (6) related to the conviction, the department shall forward a certified
21 copy of the notice to the same driver licensing agency.

22 (d) If a nonresident operator of a motor vehicle commits an offense in this state
23 that is grounds for suspension of a person's operating privilege under ch. 344, the
24 department shall forward notice of the offense to the driver licensing agency of the

SENATE BILL 40**SECTION 3355**

1 person's home jurisdiction, which notice shall include notice of any suspension by the
2 department as provided under s. 344.08 (1m), 344.14 (1r), or 344.25 (7).

3 **SECTION 3356.** 343.38 (1) (a) of the statutes is amended to read:

4 343.38 (1) (a) Files with the department an application for license together
5 with the all required fee fees; and

6 **SECTION 3357.** 343.38 (1) (c) 2. c. of the statutes is amended to read:

7 343.38 (1) (c) 2. c. Reinstatement of an operating privilege revoked under s.
8 343.30 (1q) (b) 2. or (d), 343.305 (10) (d) or 343.31 (3) ~~(b) or~~ (bm) 2.

9 **SECTION 3358.** 343.38 (2) of the statutes is amended to read:

10 343.38 (2) REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER
11 REVOCATION BY WISCONSIN. A nonresident's operating privilege revoked under the
12 laws of this state is reinstated as a matter of law when the period of revocation has
13 expired and such nonresident obtains a valid operator's license issued by the
14 jurisdiction of the nonresident's residence and pays the fee fees specified in s. 343.21
15 (1) (j) and (n).

16 **SECTION 3359.** 343.38 (2) of the statutes, as affected by 2007 Wisconsin Act
17 (this act), is amended to read:

18 343.38 (2) REINSTATEMENT OF NONRESIDENT'S OPERATING PRIVILEGE AFTER
19 REVOCATION BY WISCONSIN. A nonresident's operating privilege revoked under the
20 laws of this state is reinstated as a matter of law when the period of revocation has
21 expired and such the nonresident ~~obtains a valid operator's license issued by the~~
22 ~~jurisdiction of the nonresident's residence and pays the fees~~ specified in s. 343.21 (1)
23 (j) and (n).

24 **SECTION 3360.** 343.38 (4) (intro.) of the statutes is amended to read:

SENATE BILL 40**SECTION 3360**

1 **343.38 (4)** FIRST ISSUANCE OF LICENSE IN WISCONSIN AFTER SUSPENSION OR
2 REVOCATION BY ANOTHER STATE. (intro.) The department may issue an operator's
3 license to a person moving to this state whose operating ~~privileges have~~ privilege has
4 been previously suspended or revoked in another state jurisdiction when ~~their~~ the
5 person's operating privilege has been reinstated or the person is eligible for
6 reinstatement in that state the other jurisdiction and the following conditions have
7 been met:

8 **SECTION 3361.** 343.38 (4) (a) of the statutes is repealed.

9 **SECTION 3362.** 343.38 (4) (b) of the statutes is repealed.

10 **SECTION 3363.** 343.39 (1) (a) of the statutes is amended to read:

11 **343.39 (1)** (a) When, in the case of a suspended operating privilege, the period
12 of suspension has terminated, the reinstatement fee fees specified in s. 343.21 (1) (j)
13 ~~has~~ and (n) have been paid to the department and, for reinstatement of an operating
14 privilege suspended under ch. 344, the person files with the department proof of
15 financial responsibility, if required, in the amount, form and manner specified under
16 ch. 344.

17 **SECTION 3364.** 343.39 (1) (a) of the statutes, as affected by 2007 Wisconsin Act
18 (this act), is amended to read:

19 **343.39 (1)** (a) When, in the case of a suspended operating privilege, the period
20 of suspension has terminated, the fees specified in s. 343.21 (1) (j) and (n) have been
21 paid to the department and, for reinstatement of ~~an~~ the operating privilege of a
22 resident suspended under ch. 344, the person files with the department proof of
23 financial responsibility, if required, in the amount, form and manner specified under
24 ch. 344.

25 **SECTION 3365.** 343.39 (2) of the statutes is amended to read:

SENATE BILL 40**SECTION 3365**

1 343.39 (2) Whenever a person's operating privilege is automatically reinstated,
2 the department shall forthwith notify such person thereof ~~and shall return any~~
3 ~~surrendered and unexpired license in its possession~~. If the person's license expired
4 during the period of revocation or suspension, such person may renew the license at
5 the standard renewal fee at any time within 30 days after the reinstatement of the
6 operating privilege. If the person states to the department that he or she no longer
7 possesses the license because the license was surrendered to a court, and the person
8 has satisfied all requirements under sub. (1), including, if applicable, payment of the
9 reinstatement fee required under sub. (1) (a), the department shall issue a new
10 license without any additional fee for the license.

11 **SECTION 3366.** 343.43 (1) (g) of the statutes is amended to read:

12 343.43 (1) (g) Deface or alter a license except to endorse a change of address
13 authorized by s. 343.22 (1) ~~or~~ (2).

14 **SECTION 3367.** 343.44 (1) (a) of the statutes is amended to read:

15 343.44 (1) (a) *Operating while suspended.* No person whose operating privilege
16 has been duly suspended under the laws of this state or, if the person is not a resident,
17 under the laws of the person's home jurisdiction, may operate a motor vehicle upon
18 any highway in this state during the period of suspension or in violation of any
19 restriction on an occupational license issued to the person during the period of
20 suspension. A person's knowledge that his or her operating privilege is suspended
21 is not an element of the offense under this paragraph. In this paragraph, "restriction
22 on an occupational license" means restrictions imposed under s. 343.10 (5) (a) as to
23 hours of the day, area, routes or purpose of travel, vehicles allowed to be operated,
24 use of an ignition interlock device, sobriety or use of alcohol, controlled substances
25 or controlled substance analogs.

SENATE BILL 40**SECTION 3368**

1 **SECTION 3368.** 343.44 (1) (b) of the statutes is amended to read:

2 343.44 (1) (b) *Operating while revoked.* No person whose operating privilege
3 has been duly revoked under the laws of this state or, if the person is not a resident,
4 under the laws of the person's home jurisdiction, may knowingly operate a motor
5 vehicle upon any highway in this state during the period of revocation or in violation
6 of any restriction on an occupational license issued to the person during the period
7 of revocation. In this paragraph, "restriction on an occupational license" means
8 restrictions imposed under s. 343.10 (5) (a) as to hours of the day, area, routes or
9 purpose of travel, vehicles allowed to be operated, use of an ignition interlock device,
10 sobriety or use of alcohol, controlled substances or controlled substance analogs.

11 **SECTION 3369.** 343.44 (1) (c) of the statutes is amended to read:

12 343.44 (1) (c) *Operating while ordered out-of-service.* No person may operate
13 a commercial motor vehicle while the person or the commercial motor vehicle is
14 ordered out-of-service under the law of this state or another jurisdiction or under
15 federal law.

16 **SECTION 3370.** 343.44 (2) (am) of the statutes is amended to read:

17 343.44 (2) (am) Any person who violates sub. (1) (b) before May 1, 2002, may
18 be required to forfeit not more than \$600, except that, if the person has been
19 convicted of a previous violation of sub. (1) (b), ~~or of operating a motor vehicle in~~
20 ~~violation of s. 343.44 (1), 1997 stats., with an operating privilege that is revoked,~~
21 within the preceding 5-year period, the penalty under par. (b) shall apply.

22 **SECTION 3371.** 343.44 (2r) of the statutes is amended to read:

23 343.44 (2r) **PRIOR CONVICTIONS.** For purposes of determining prior convictions
24 under this section, the 5-year period shall be measured from the dates of the
25 violations that resulted in the convictions and each conviction under sub. (2) shall

SENATE BILL 40**SECTION 3371**

1 be counted. Convictions of ~~s. 343.44 (1), 1997 stats., other than for operating a~~
2 ~~commercial motor vehicle while ordered out-of-service~~ under the law of another
3 jurisdiction for offenses therein which, if committed in this state, would have been
4 violations of this section shall be counted under this section as prior convictions.

5 **SECTION 3372.** 343.44 (2s) of the statutes is amended to read:

6 343.44 (2s) CITATIONS. Within 30 days after receipt by the department of a
7 report from a law enforcement officer under s. 343.305 (7) or a court order under s.
8 343.28 of a violation committed by a person operating a commercial motor vehicle
9 while subject to an out-of-service order under s. 343.305 (7) (b) or (9) (am), a traffic
10 officer employed under s. 110.07 may prepare a uniform traffic citation under s.
11 345.11 for a violation of sub. (1) (c) or (d) and serve it on the person. The citation may
12 be served anywhere in this state and shall be served by delivering a copy to the
13 person personally or by leaving a copy at the person's usual place of abode with a
14 person of discretion residing therein or by mailing a copy to the person's last-known
15 residence address, including, if the person is not a resident, an address in another
16 jurisdiction. The venue for prosecution may be the county where the alleged offense
17 occurred or, if the person is a resident, in the person's county of residence.

18 **SECTION 3373.** 343.44 (4r) of the statutes is amended to read:

19 343.44 (4r) VIOLATION OF OUT-OF-SERVICE ORDER. In addition to other penalties
20 for violation of this section, if a person has violated this section after ~~he or she~~ the
21 person or the commercial motor vehicle operated by the person was ordered
22 out-of-service under the law of this state or another jurisdiction or under federal
23 law, the violation shall result in disqualification under s. 343.315 (2) (h) or (i).

24 **SECTION 3374.** 343.50 (1) of the statutes is amended to read:

SENATE BILL 40**SECTION 3374**

1 343.50 (1) ISSUANCE. The department shall issue to every qualified applicant,
2 who has paid the all required fee fees, an identification card as provided in this
3 section.

4 **SECTION 3375.** 343.50 (1) of the statutes, as affected by 2007 Wisconsin Act ...
5 (this act), is renumbered 343.50 (1) (a) and amended to read:

6 343.50 (1) (a) The Subject to par. (b) and s. 343.165, the department shall issue
7 to every qualified applicant, who has paid all required fees, an identification card as
8 provided in this section.

9 **SECTION 3376.** 343.50 (1) (b) and (c) of the statutes are created to read:

10 343.50 (1) (b) The department may not issue an identification card to a person
11 previously issued an operator's license in another jurisdiction unless the person
12 surrenders to the department any valid operator's license possessed by the person
13 issued by another jurisdiction, which surrender operates as a cancellation of the
14 license insofar as the person's privilege to operate a motor vehicle in this state is
15 concerned. Within 30 days following issuance of the identification card under this
16 section, the department shall destroy any operator's license surrendered under this
17 paragraph and report to the jurisdiction that issued the surrendered operator's
18 license that the license has been destroyed and the person has been issued an
19 identification card in this state.

20 (c) The department may issue a receipt to any applicant for an identification
21 card, which receipt shall constitute a temporary identification card while the
22 application is being processed and shall be valid for a period not to exceed 30 days.

23 **SECTION 3377.** 343.50 (2) of the statutes is amended to read:

24 343.50 (2) WHO MAY APPLY. Any resident of this state who does not possess a
25 valid operator's license ~~which contains the resident's photograph~~ issued under this

SENATE BILL 40**SECTION 3377**

1 chapter may apply to the department for an identification card pursuant to this
2 section. The card is not a license for purposes of this chapter and is to be used for
3 identification purposes only.

4 **SECTION 3378.** 343.50 (3) of the statutes is amended to read:

5 343.50 (3) DESIGN AND CONTENTS OF CARD. The card shall be the same size as
6 an operator's license but shall be of a design which is readily distinguishable from
7 the design of an operator's license and bear upon it the words "IDENTIFICATION
8 CARD ONLY". The information on the card shall be the same as specified under
9 s. 343.17 (3). If the issuance of the card requires the applicant to present any
10 documentary proof specified in s. 343.14 (2) (es) 4. to 7., the card shall display, on the
11 front side of the card, a legend identifying the card as temporary. The card shall
12 contain physical security features consistent with any requirement under federal
13 law. The card may serve as a document of gift under s. 157.06 (2) (b) and (c) and the
14 holder may affix a sticker thereto as provided in s. 343.175 (3). The card may also
15 serve as a document of refusal to make an anatomical gift under s. 157.06 (2) (i). The
16 card shall contain the holder's photograph and, if applicable, shall be of the design
17 specified under s. 343.17 (3) (a) 12.

18 **SECTION 3379.** 343.50 (4) of the statutes, as affected by 2005 Wisconsin Act 126,
19 is amended to read:

20 343.50 (4) APPLICATION. The application for an identification card shall include
21 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm), (br), (em),
22 and ~~(er)~~ (es), and such further information as the department may reasonably
23 require to enable it to determine whether the applicant is entitled by law to an
24 identification card. The Except with respect to renewals described in s. 343.165 (4)
25 (d), the department shall, as part of the application process, take a digital

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1 photograph including facial image capture of the applicant to comply with sub. (3).
2 ~~No~~ Except with respect to renewals described in s. 343.165 (4) (d), no application may
3 be processed without the photograph being taken. Misrepresentations in violation
4 of s. 343.14 (5) are punishable as provided in s. 343.14 (9).

5 **SECTION 3380.** 343.50 (5) of the statutes, as affected by 2005 Wisconsin Act 126,
6 is amended to read:

7 343.50 (5) VALID PERIOD; FEES. The fee for an original card and for the
8 reinstatement of an identification card after cancellation under sub. (10) shall be \$9
9 \$18. The card shall be valid for the succeeding period of ~~4~~ 8 years from the
10 applicant's next birthday after the date of issuance, except that a card that is issued
11 to a person who is not a United States citizen and who provides documentary proof
12 of legal status as provided under s. 343.14 (2) (er) shall expire on the date that the
13 person's legal presence in the United States is no longer authorized. If the
14 documentary proof as provided under s. 343.14 (2) (er) does not state the date that
15 the person's legal presence in the United States is no longer authorized, then the card
16 shall be valid for the succeeding period of ~~4~~ 8 years from the applicant's next
17 birthday after the date of issuance.

18 **SECTION 3381.** 343.50 (5) of the statutes, as affected by 2005 Wisconsin Act 126
19 and 2007 Wisconsin Act (this act), is renumbered 343.50 (5) (a) and amended to
20 read:

21 343.50 (5) (a) The fee for an original card, for renewal of a card, and for the
22 reinstatement of an identification card after cancellation under sub. (10) shall be
23 \$18. The

24 (b) Except as provided in par. (c) and s. 343.165 (4) (c), an original or reinstated
25 card shall be valid for the succeeding period of 8 years from the applicant's next

SENATE BILL 40**SECTION 3381**

1 birthday after the date of issuance, ~~except that a~~, and a renewed card shall be valid
2 for the succeeding period of 8 years from the card's last expiration date.

3 (c) Except as provided in s. 343.165 (4) (c) and as otherwise provided in this
4 paragraph, an identification card that is issued to a person who is not a United States
5 citizen and who provides documentary proof of legal status as provided under s.
6 343.14 (2) (er) (es) shall expire on the date that the person's legal presence in the
7 United States is no longer authorized or on the expiration date determined under
8 par. (b), whichever date is earlier. If the documentary proof as provided under s.
9 343.14 (2) (er) (es) does not state the date that the person's legal presence in the
10 United States is no longer authorized, then the card shall be valid for the succeeding
11 period of 8 years from the applicant's next birthday after the date of issuance
12 specified in par. (b) except that, if the card was issued or renewed based upon the
13 person's presenting of any documentary proof specified in s. 343.14 (2) (es) 4. to 7.,
14 the card shall, subject to s. 343.165 (4) (c), expire one year after the date of issuance
15 or renewal.

16 **SECTION 3382.** 343.50 (5m) of the statutes is created to read:

17 **343.50 (5m) FEDERAL SECURITY VERIFICATION MANDATE FEE.** In addition to any
18 other fee under this section, for the issuance of an original identification card or
19 duplicate identification card or for the renewal or reinstatement of an identification
20 card after cancellation under sub. (10), a federal security verification mandate fee of
21 \$10 shall be paid to the department.

22 **SECTION 3383.** 343.50 (6) of the statutes, as affected by 2007 Wisconsin Act ...
23 (this act), is amended to read:

24 **343.50 (6) RENEWAL NOTICE.** At least 30 days prior to the expiration of the an
25 identification card, the department shall mail a renewal application to the

SENATE BILL 40**SECTION 3383**

1 last-known address of each ~~identification~~ the card holder. If the card was issued or
2 last renewed based upon the person's presenting of any documentary proof specified
3 in s. 343.14 (2) (es) 4. to 7., the notice shall inform the card holder of the requirement
4 under s. 343.165 (4) (c). The department shall include with the application
5 information, as developed by all organ procurement organizations in cooperation
6 with the department, that promotes anatomical donations and which relates to the
7 anatomical donation opportunity available under s. 343.175. ~~The fee for a renewal~~
8 ~~identification card shall be \$18, which card shall be valid for 8 years, except that a~~
9 ~~card that is issued to a person who is not a United States citizen and who provides~~
10 ~~documentary proof of legal status as provided under s. 343.14 (2) (er) shall expire on~~
11 ~~the date that the person's legal presence in the United States is no longer authorized.~~
12 ~~If the documentary proof as provided under s. 343.14 (2) (er) does not state the date~~
13 ~~that the person's legal presence in the United States is no longer authorized, then~~
14 ~~the card shall be valid for 8 years.~~

15 **SECTION 3384.** 343.50 (6) of the statutes, as affected by 2005 Wisconsin Act 126,
16 is amended to read:

17 343.50 (6) RENEWAL. At least 30 days prior to the expiration of the card, the
18 department shall mail a renewal application to the last-known address of each
19 identification card holder. The department shall include with the application
20 information, as developed by all organ procurement organizations in cooperation
21 with the department, that promotes anatomical donations and which relates to the
22 anatomical donation opportunity available under s. 343.175. The fee for a renewal
23 identification card shall be ~~\$9~~ \$18, which card shall be valid for ~~4~~ 8 years, except
24 that a card that is issued to a person who is not a United States citizen and who
25 provides documentary proof of legal status as provided under s. 343.14 (2) (er) shall

SENATE BILL 40**SECTION 3384**

1 expire on the date that the person's legal presence in the United States is no longer
2 authorized. If the documentary proof as provided under s. 343.14 (2) (er) does not
3 state the date that the person's legal presence in the United States is no longer
4 authorized, then the card shall be valid for ~~4~~ 8 years.

5 **SECTION 3385.** 343.50 (8) of the statutes is amended to read:

6 343.50 **(8)** RECORDS AND OTHER INFORMATION. (a) The department shall
7 maintain current records of all identification card holders under this section in the
8 same manner as required under s. 343.23 for operator's licenses. For each
9 identification card applicant, the record shall include any application for an
10 identification card received by the department, any reinstatement or cancellation of
11 an identification card by the department, the information in all data fields printed
12 on any identification card issued to the applicant, a record of the date on which any
13 verification specified in s. 343.165 (1) and (3) was completed, and all documents
14 required to be maintained under s. 343.165 (2) (a). The department shall maintain
15 the digital images of documents specified in s. 343.165 (2) (a) for at least 10 years.
16 Records under this paragraph shall be maintained in an electronic and transferable
17 format accessible for the purpose specified in par. (c) 1.

18 (b) The department may not disclose any record or other information
19 concerning or relating to an applicant or identification card holder to any person
20 other than a court, district attorney, county corporation counsel, city, village or town
21 attorney, law enforcement agency, the applicant or identification card holder or, if the
22 applicant or identification card holder is under 18 years of age, his or her parent or
23 guardian. Except for photographs disclosed to a law enforcement agency under s.
24 343.237, persons entitled to receive any record or other information under this
25 paragraph shall not disclose the record or other information to other persons or

SENATE BILL 40**SECTION 3385**

1 agencies. This paragraph does not prohibit disclosure under par. (c) or the disclosure
2 of a person's name or address, of the name or address of a person's employer or of
3 financial information that relates to a person when requested under s. 49.22 (2m) by
4 the department of workforce development or a county child support agency under s.
5 59.53 (5).

6 **SECTION 3386.** 343.50 (8) (b) of the statutes, as affected by 2007 Wisconsin Act
7 (this act), section 3387, is amended to read:

8 343.50 (8) (b) The department may not disclose any record or other information
9 concerning or relating to an applicant or identification card holder to any person
10 other than a court, district attorney, county corporation counsel, city, village, or town
11 attorney, law enforcement agency, driver licensing agency of another jurisdiction, the
12 applicant or identification card holder or, if the applicant or identification card holder
13 is under 18 years of age, his or her parent or guardian. Except for photographs
14 ~~disclosed to a law enforcement agency~~ for which disclosure is authorized under s.
15 343.237, persons entitled to receive any record or other information under this
16 paragraph shall not disclose the record or other information to other persons or
17 agencies. This paragraph does not prohibit disclosure under par. (c) or the disclosure
18 of a person's name or address, of the name or address of a person's employer or of
19 financial information that relates to a person when requested under s. 49.22 (2m) by
20 the department of children and families or a county child support agency under s.
21 59.53 (5).

22 **SECTION 3387.** 343.50 (8) (b) of the statutes, as affected by 2007 Wisconsin Act
23 (this act), section 3385, is amended to read:

24 343.50 (8) (b) The department may not disclose any record or other information
25 concerning or relating to an applicant or identification card holder to any person

SENATE BILL 40**SECTION 3387**

1 other than a court, district attorney, county corporation counsel, city, village or town
2 attorney, law enforcement agency, the applicant or identification card holder or, if the
3 applicant or identification card holder is under 18 years of age, his or her parent or
4 guardian. Except for photographs disclosed to a law enforcement agency under s.
5 343.237, persons entitled to receive any record or other information under this
6 paragraph shall not disclose the record or other information to other persons or
7 agencies. This paragraph does not prohibit disclosure under par. (c) or the disclosure
8 of a person's name or address, of the name or address of a person's employer or of
9 financial information that relates to a person when requested under s. 49.22 (2m) by
10 the department of ~~workforce development~~ children and families or a county child
11 support agency under s. 59.53 (5).

12 **SECTION 3388.** 343.50 (8) (c) of the statutes is created to read:

13 343.50 **(8)** (c) 1. Notwithstanding par. (b) and ss. 343.027, 343.14 (2j), and
14 343.237 (2), the department shall, upon request, provide to the driver licensing
15 agencies of other jurisdictions any record maintained by the department of
16 transportation under this subsection, including providing electronic access to any
17 such record.

18 2. Notwithstanding par. (b) and s. 343.14 (2j), the department may, upon
19 request, provide to the department of health and family services any applicant
20 information maintained by the department of transportation and identified in s.
21 343.14 (2), including providing electronic access to the information, for the sole
22 purpose of verification by the department of health and family services of birth
23 certificate information.

24 **SECTION 3389.** 343.50 (10) (intro.) and (a) of the statutes are amended to read:

SENATE BILL 40**SECTION 3389**

1 343.50 (10) CANCELLATION. (intro.) The department shall cancel an
2 identification card under any of the following circumstances:

3 (a) Whenever the department determines that the card was issued upon an
4 application which contains a false statement as to any material matter; ~~or~~

5 **SECTION 3390.** 343.50 (10) (c) of the statutes is created to read:

6 343.50 (10) (c) Whenever the department receives information from a local,
7 state, or federal government agency that the card holder no longer satisfies the
8 requirements for issuance of a card under ss. 343.14 (2) (es) and 343.165 (1) (e). A
9 card cancelled under this paragraph may not be reinstated under sub. (5) until these
10 requirements are again satisfied.

11 **SECTION 3391.** 343.61 (2) (a) 1m. of the statutes is amended to read:

12 343.61 (2) (a) 1m. In the case of an individual who does not have a social
13 security number, a statement made or subscribed under oath or affirmation that the
14 individual does not have a social security number. The form of the statement shall
15 be prescribed by the department of ~~workforce development~~ children and families. A
16 license that is issued by the department in reliance on a statement submitted under
17 this subdivision is invalid if the statement is false.

18 **SECTION 3392.** 343.61 (2) (b) of the statutes is amended to read:

19 343.61 (2) (b) The department of transportation may not disclose any
20 information received under par. (a) 1. or 2. to any person except to the department
21 of ~~workforce development~~ children and families for purposes of administering s.
22 49.22 or the department of revenue for the sole purpose of requesting certifications
23 under s. 73.0301.

24 **SECTION 3393.** 343.62 (2) (am) of the statutes is amended to read:

SENATE BILL 40**SECTION 3393**

1 343.62 (2) (am) If the applicant does not have a social security number, a
2 statement made or subscribed under oath or affirmation that the applicant does not
3 have a social security number. The form of the statement shall be prescribed by the
4 department of ~~workforce development~~ children and families. A license that is issued
5 by the department in reliance on a statement submitted under this paragraph is
6 invalid if the statement is false.

7 **SECTION 3394.** 343.62 (2) (b) of the statutes is amended to read:

8 343.62 (2) (b) The department of transportation may not disclose a social
9 security number obtained under par. (a) to any person except to the department of
10 ~~workforce development~~ children and families for the sole purpose of administering
11 s. 49.22 or the department of revenue for the sole purpose of requesting certifications
12 under s. 73.0301.

13 **SECTION 3395.** 343.66 (2) of the statutes is amended to read:

14 343.66 (2) The secretary shall deny, restrict, limit or suspend any driver school
15 license issued under s. 343.61 or instructor's license issued under s. 343.62 or refuse
16 to renew a driver school license or instructor's license if the applicant or licensee is
17 an individual who is delinquent in making court-ordered payments of child or family
18 support, maintenance, birth expenses, medical expenses or other expenses related
19 to the support of a child or former spouse, or who fails to comply, after appropriate
20 notice, with a subpoena or warrant issued by the department of ~~workforce~~
21 ~~development~~ children and families or a county child support agency under s. 59.53
22 (5) and related to paternity or child support proceedings, as provided in a
23 memorandum of understanding entered into under s. 49.857.

24 **SECTION 3396.** 344.02 (3) of the statutes is amended to read:

SENATE BILL 40**SECTION 3396**

1 344.02 (3) Upon completion of the hearing, the department shall make findings
2 of fact, conclusions of law, and a decision, and shall, as provided in this chapter, either
3 proceed to order suspension of the person's operating privilege, or registrations, or
4 both, and may also order the impoundment of the person's motor vehicle, in
5 accordance with s. 344.14, or upon good cause appearing therefor, shall terminate the
6 proceedings.

7 **SECTION 3397.** 344.08 (1m) of the statutes is created to read:

8 344.08 (1m) Notwithstanding sub. (1), the secretary may only suspend the
9 operating privilege of a nonresident for an offense specified in sub. (1) if the
10 nonresident is licensed by or resides in another jurisdiction that is not a member
11 jurisdiction or if the offense is not identified in the rules under s. 343.02 (3) (b).

12 **SECTION 3398.** 344.13 (2) of the statutes is amended to read:

13 344.13 (2) The secretary shall determine the amount of security required to be
14 deposited by each person on the basis of the accident reports or other information
15 submitted. In addition to the accident reports required by law, the secretary may
16 request from any of the persons, including passengers and pedestrians, involved in
17 such accident such further information, sworn statements or other evidence relating
18 to property damage, personal injury or death in motor vehicle accidents as deemed
19 necessary to aid in determining the amount to be deposited as security under s.
20 344.14. ~~Failure~~ Subject to s. 344.14 (1r), failure of a person to comply with such
21 request is grounds for suspending such person's operating privilege but no
22 suspension shall be made on such grounds until one follow-up request has been
23 made and at least 20 days have elapsed since the mailing of the first request.

24 **SECTION 3399.** 344.14 (1r) of the statutes is created to read:

SENATE BILL 40**SECTION 3399**

1 344.14 **(1r)** Notwithstanding sub. (1), the secretary may only suspend under
2 sub. (1) or under s. 344.13 (2) the operating privilege of a nonresident for,
3 respectively, an offense specified in sub. (1) or s. 344.13 (2) if the nonresident is
4 licensed by or resides in another jurisdiction that is not a member jurisdiction or if
5 the offense is not identified in the rules under s. 343.02 (3) (b).

6 **SECTION 3400.** 344.18 (1) (intro.) of the statutes is amended to read:

7 344.18 **(1)** (intro.) Any registration suspended or revoked under s. 344.14 shall
8 remain suspended or revoked and shall not be renewed or reinstated until the person
9 pays the fee required under s. 341.36 (1m), meets one of the requirements under pars.
10 (a) to (d) and satisfies the requirements of sub. (1m). Any operating privilege
11 suspended or revoked under s. 344.14 shall remain suspended or revoked and shall
12 not be reinstated until the person pays the fee fees required under s. 343.21 (1) (j)
13 and (n), complies with the applicable provisions of s. 343.38 and meets any of the
14 following requirements:

15 **SECTION 3401.** 344.18 (1m) (a) of the statutes is amended to read:

16 344.18 **(1m)** (a) Unless 3 years have elapsed since the date that a requirement
17 under sub. (1) (a), (b), (c) or (d) has been met or unless the person is a nonresident,
18 the person whose operating privilege or registration was suspended or revoked
19 under s. 344.14 shall file with the department and maintain in effect proof of
20 financial responsibility in the amount, form and manner specified in this chapter.

21 **SECTION 3402.** 344.18 (3) (intro.) of the statutes is amended to read:

22 344.18 **(3)** (intro.) If a person defaults in the payment of any installment under
23 a duly acknowledged written agreement, the secretary, upon notice of such default
24 given in no event later than 30 days after the time for final installment, shall
25 immediately suspend the registrations and operating privilege of the defaulting

SENATE BILL 40**SECTION 3402**

1 person. A suspension or revocation of registration under this subsection shall
2 remain in effect until the person pays the fee required under s. 341.36 (1m), meets
3 the requirement under par. (a) or (b) and satisfies the requirements of sub. (3m). A
4 suspension or revocation of an operating privilege under this subsection shall remain
5 in effect until the person pays the fee fees required in s. 343.21 (1) (j) and (n), complies
6 with the applicable provisions of s. 343.38 and meets any of the following
7 requirements:

8 **SECTION 3403.** 344.18 (3m) (a) of the statutes is amended to read:

9 344.18 **(3m)** (a) Unless 3 years have elapsed since the date that a requirement
10 under sub. (3) (a) or (b) has been met or unless the person is a nonresident, the person
11 whose operating privilege or registration was suspended or revoked under sub. (3)
12 shall file with the department and maintain in effect proof of financial responsibility
13 in the amount, form and manner specified in this chapter.

14 **SECTION 3404.** 344.19 (1) of the statutes is amended to read:

15 344.19 **(1)** If the operator or the owner of a motor vehicle involved in an accident
16 within this state has no license or registration, whether because the operator or
17 owner is a nonresident or because the operator or owner is a resident who has failed
18 or neglected to obtain a license or registration in this state, the operator or owner
19 shall not be allowed a license or registration until the operator or owner has complied
20 with the requirements of this chapter to the same extent as would be necessary if,
21 at the time of the accident, the operator or owner had held a license and registration
22 in this state. Nothing in this subsection requires the department to maintain an
23 operator's record with respect to a nonresident except as provided in s. 343.23 (2m).

24 **SECTION 3405.** 344.19 (2) of the statutes is renumbered 344.19 (2) (intro.) and
25 amended to read:

SENATE BILL 40**SECTION 3405**

1 344.19 (2) (intro.) If the operating privilege or registration of a nonresident is
2 suspended under s. 344.14, the secretary shall transmit a certified copy of the record
3 of such action as follows:

4 **(b) With respect to the registration suspension,** to the administrator of the
5 division of motor vehicles or equivalent official of the state in which that person
6 resides if the law of the state in which that person resides provides for similar action
7 by the administrator or equivalent official of that state in the event that a resident
8 of this state has a nonresident's ~~operating privilege or~~ registration in that state
9 suspended or revoked for failure to comply with the safety responsibility law of that
10 state.

11 **SECTION 3406.** 344.19 (2) (a) of the statutes is created to read:

12 344.19 (2) (a) With respect to the operating privilege suspension, as provided
13 in s. 343.36 (3).

14 **SECTION 3407.** 344.19 (3) of the statutes is amended to read:

15 344.19 (3) Upon receipt of such certification from another state to the effect
16 that the operating privilege or registration of a resident of this state has been
17 suspended or revoked in such other state under a law providing for its suspension
18 or revocation for failure to deposit security for payment of judgments arising out of
19 a motor vehicle accident, under circumstances which would require the secretary to
20 suspend a nonresident's operating privilege or registration had the accident occurred
21 in this state, the secretary shall suspend the operating privilege of such resident if
22 he or she was the operator and all of his or her registrations if he or she was the owner
23 of a motor vehicle involved in such accident. The department may accept a
24 certification which is in the form of a combined notice of required security and
25 suspension order, but shall not suspend a resident's operating privilege or

SENATE BILL 40**SECTION 3407**

1 registration on the basis of such order until at least 30 days have elapsed since the
2 time for depositing security in the other state expired. A suspension or revocation
3 of operating privilege under this section shall continue until such resident furnishes
4 evidence of his or her compliance with the law of the other state relating to the
5 deposit of security, pays the fee fees required under s. 343.21 (1) (j) and (n) and
6 complies with the applicable provisions of s. 343.38. A suspension or revocation of
7 registration under this section shall continue until such resident furnishes evidence
8 of his or her compliance with the law of the other state relating to the deposit of
9 security, pays the fee required under s. 341.36 (1m) and satisfies the requirements
10 of sub. (3m).

11 **SECTION 3408.** 344.19 (3) of the statutes, as affected by 2007 Wisconsin Act
12 (this act), is amended to read:

13 344.19 (3) Upon receipt of such certification from another state to the effect
14 that the operating privilege or registration of a resident of this state has been
15 suspended or revoked in such other state under a law providing for its suspension
16 or revocation for failure to deposit security for payment of judgments arising out of
17 a motor vehicle accident, under circumstances which would require the secretary to
18 suspend a ~~nonresident's~~ person's operating privilege or registration had the accident
19 occurred in this state, or, upon notice of circumstances occurring in another
20 jurisdiction substantially similar to those described in s. 344.14 if suspension of an
21 operating privilege under circumstances substantially similar to those described in
22 s. 344.14 is an offense identified in the rules under s. 343.02 (3) (b), the secretary shall
23 suspend the operating privilege of such resident if he or she was the operator and all
24 of his or her registrations if he or she was the owner of a motor vehicle involved in
25 such accident. The department may accept a certification which is in the form of a

SENATE BILL 40**SECTION 3408**

1 combined notice of required security and suspension order, but shall not suspend a
2 resident's operating privilege or registration on the basis of such order until at least
3 30 days have elapsed since the time for depositing security in the other state expired.
4 A suspension or revocation of operating privilege under this section shall continue
5 until such resident furnishes evidence of his or her compliance with the law of the
6 other state relating to the deposit of security, pays the fees required under s. 343.21
7 (1) (j) and (n) and complies with the applicable provisions of s. 343.38. A suspension
8 or revocation of registration under this section shall continue until such resident
9 furnishes evidence of his or her compliance with the law of the other state relating
10 to the deposit of security, pays the fee required under s. 341.36 (1m) and satisfies the
11 requirements of sub. (3m). The secretary may not suspend an operating privilege
12 under this subsection if the period of suspension or revocation in the state from which
13 the certification is received has expired or if, at the time of the circumstances
14 occurring in the other jurisdiction, the person was licensed in or resided in another
15 jurisdiction.

16 **SECTION 3409.** 344.24 of the statutes is amended to read:

17 **344.24 Applicability of sections relating to proof of financial**
18 **responsibility for the future.** Sections 344.29 to 344.41 are applicable in all cases
19 in which a person is required to deposit proof of financial responsibility for the future,
20 including those cases in which a person is required to deposit proof of financial
21 responsibility for the future under ss. 344.25 to 344.27, those cases in which the
22 deposit of proof of financial responsibility for the future is a condition precedent to
23 reinstatement of an operating privilege or registration suspended or revoked under
24 s. 344.14, 344.18 (3) or 344.19 (3) and those cases in which the deposit of proof of
25 financial responsibility for the future is a condition precedent to ~~issuance of an~~

SENATE BILL 40**SECTION 3409**

1 operator's license under s. ~~343.38 (4)~~ or reinstatement of an operating privilege
2 revoked under ch. 343.

3 **SECTION 3410.** 344.25 (7) of the statutes is created to read:

4 344.25 (7) Notwithstanding sub. (5), the secretary shall only suspend the
5 operating privilege of a nonresident if the nonresident is licensed by or resides in
6 another jurisdiction that is not a member jurisdiction or if operating privilege
7 suspension under circumstances substantially similar to those described in this
8 subchapter is not identified in the rules under s. 343.02 (3) (b).

9 **SECTION 3411.** 344.26 (1) of the statutes is amended to read:

10 344.26 (1) Subject to the exceptions stated in ss. 344.25 (2) and 344.27 (2), any
11 operating privilege or registration suspended or revoked under s. 344.25 shall
12 remain suspended or revoked until every judgment mentioned in s. 344.25 is stayed,
13 satisfied, or discharged and, unless 3 years have elapsed since the date on which the
14 judgment was stayed, satisfied, or discharged or unless the person is a nonresident,
15 until the person whose operating privilege and registration was suspended or
16 revoked furnishes and maintains in effect proof of financial responsibility for the
17 future.

18 **SECTION 3412.** 344.27 (2) of the statutes is amended to read:

19 344.27 (2) The secretary shall not suspend the operating privilege or
20 registration and shall restore any operating privilege or registration suspended
21 following nonpayment of a judgment when the judgment debtor obtains such order
22 permitting the payment of the judgment in installments and, unless 3 years have
23 elapsed since the date on which the order permitting the payment of the judgment
24 in installments is filed with the secretary or unless the judgment debtor is a
25 nonresident, furnishes and maintains proof of financial responsibility for the future.

SENATE BILL 40**SECTION 3413**

1 **SECTION 3413.** 344.27 (3) of the statutes is amended to read:

2 344.27 (3) If the judgment debtor fails to pay any installment as specified by
3 such order, the secretary, upon notice of such default, shall immediately suspend the
4 operating privilege, if permitted under this subchapter, and registrations of the
5 judgment debtor until such judgment is satisfied as provided in s. 344.26.

6 **SECTION 3414.** 344.29 of the statutes is amended to read:

7 **344.29 Proof of financial responsibility for the future required.** Proof
8 of financial responsibility for the future shall be furnished by any person required
9 to give such proof under ss. 344.25 to 344.27, those cases in which the deposit of proof
10 of financial responsibility for the future is a condition precedent to reinstatement of
11 an operating privilege or registration suspended or revoked under s. 344.14, 344.18
12 (3) or 344.19 (3) and in those cases in which the deposit of proof of financial
13 responsibility for the future is a condition precedent to ~~issuance of an operator's~~
14 ~~license under s. 343.38 (4) or~~ reinstatement of an operating privilege revoked under
15 ch. 343.

16 **SECTION 3415.** 344.30 (1) of the statutes is amended to read:

17 344.30 (1) Certification of insurance as provided in s. 344.31 ~~or 344.32~~; or

18 **SECTION 3416.** 344.32 of the statutes is repealed.

19 **SECTION 3417.** 344.33 (1) of the statutes is amended to read:

20 344.33 (1) CERTIFICATION. In this chapter, “motor vehicle liability policy” means
21 a motor vehicle policy of liability insurance, certified as provided in s. 344.31 ~~or~~
22 ~~344.32~~ as proof of financial responsibility for the future, and issued, ~~except as~~
23 ~~otherwise provided in s. 344.32~~, by an insurer authorized to do an automobile
24 liability business in this state to or for the benefit of the person named in the policy
25 as the insured.

SENATE BILL 40**SECTION 3418**

1 **SECTION 3418.** 344.34 of the statutes is amended to read:

2 **344.34 Notice of cancellation or termination of certified policy.** When
3 an insurer has certified a motor vehicle liability policy under s. 344.31, ~~a policy under~~
4 ~~s. 344.32~~ or a bond under s. 344.36, the insurance so certified shall not be canceled
5 or terminated until at least 10 days after a notice of cancellation or termination of
6 the insurance so certified has been filed in the office of the secretary. No insurance
7 so certified may be canceled or terminated by the insurer prior to the expiration of
8 90 days from the effective date of the certification on the grounds of failure to pay a
9 premium when due. Such a certified policy or bond subsequently procured shall, on
10 the effective date of its certification, terminate the insurance previously certified.
11 Any certification or recertification filed by the same insurer following cancellation
12 shall be accompanied by a fee of \$3 payable by the insurer.

13 **SECTION 3419.** 344.42 of the statutes is amended to read:

14 **344.42 Submission of certifications and recertifications by insurers.**
15 If the sum of certifications and recertifications under ss. 344.31, ~~344.32~~ and 344.34
16 that are submitted by an insurer to the department in any year exceeds 1,000, the
17 insurer shall pay to the department a transaction fee of \$1.50 per certification or
18 recertification that is not transmitted electronically to the department. The
19 department shall promulgate rules establishing procedures for the collection of
20 transaction fees under this section.

21 **SECTION 3420.** 345.11 (1m) of the statutes is amended to read:

22 **345.11 (1m)** The uniform traffic citation or the citation form under s. 23.54
23 shall be used for violations of ch. 350 relating to highway use or ordinances in
24 conformity therewith when committed on the highway, but no points may be assessed
25 against the driving record of the operator of a snowmobile. When the uniform traffic

SENATE BILL 40**SECTION 3420**

1 citation is used, the report of conviction shall be forwarded to the department. When
2 the citation form under s. 23.54 is used, the procedure in ss. 23.50 to 23.85 applies.

3 **SECTION 3421.** 345.11 (1r) of the statutes is amended to read:

4 345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall
5 be used for violations of s. 23.33 relating to highway use or ordinances in conformity
6 with that section if the violation is committed on a highway, but no points may be
7 assessed against the driving record of the operator of an all-terrain vehicle. When
8 the uniform traffic citation is used, the report of conviction shall be forwarded to the
9 department. When the citation form under s. 23.54 is used, the procedure in ss. 23.50
10 to 23.85 applies.

11 **SECTION 3422.** 345.23 (2) (c) of the statutes is amended to read:

12 345.23 (2) (c) Deposits the person's valid Wisconsin operator's license with the
13 officer. If the license is deposited with the officer, the officer shall issue to the licensee
14 a receipt which shall be valid as a driver's license through the date specified on the
15 receipt, which shall be the same as the court appearance date, and the officer shall,
16 at the earliest possible time prior to the court appearance date, deposit the license
17 with the court.

18 **SECTION 3423.** 345.28 (5) (b) 1. of the statutes is amended to read:

19 345.28 (5) (b) 1. If a person fails to respond to the notices under par. (a) within
20 the time specified in the notice, a warrant that substantially complies with the
21 mandatory provisions under s. 968.04 (3) (a) may be issued for the person, except that
22 the warrant shall direct the officer to accept the person's deposit of money or his or
23 her valid Wisconsin operator's license, as provided under subd. 2. a., in lieu of serving
24 the warrant and arresting the person.

25 **SECTION 3424.** 345.28 (5) (b) 2. a. of the statutes is amended to read:

SENATE BILL 40**SECTION 3424**

1 345.28 (5) (b) 2. a. The officer shall accept a deposit of money or a deposit of the
2 person's valid Wisconsin operator's license in lieu of serving the warrant and
3 arresting the person. If the license is deposited with the officer, the officer shall issue
4 to the licensee a receipt, on a form provided by the department, which is valid as an
5 operator's license through a date specified on the receipt, not to exceed 30 days from
6 the date of contact, which shall be the same as the court appearance date and the
7 officer shall at the earliest possible time prior to the court appearance date deposit
8 the license with the court. If a deposit of money is made, s. 345.26 (1) (a) and (2) to
9 (5) applies. The officer shall notify the person who deposits money or his or her
10 license, in writing, of the specific actions which the authority and the courts are
11 authorized to take under this section if the person fails to appear in court at the time
12 specified by the officer, not to exceed 30 days from the date of contact, or at any
13 subsequent court appearance for the nonmoving traffic violation citation. If the
14 person makes a deposit of money or deposits his or her valid Wisconsin operator's
15 license, the officer shall return the warrant to the court or judge who issued the
16 warrant and the court or judge shall vacate the warrant.

17 **SECTION 3425.** 345.47 (1) (c) of the statutes is amended to read:

18 345.47 (1) (c) If a court or judge suspends an operating privilege under this
19 section, the court or judge shall immediately take possession of the suspended license
20 and shall forward it to the department together with the notice of suspension, which
21 shall clearly state that the suspension was for failure to pay a forfeiture, plus costs,
22 fees, and surcharges imposed under ch. 814. The notice of suspension and the
23 suspended license, if it is available, shall be forwarded to the department within 48
24 hours after the order of suspension. If the forfeiture, plus costs, fees, and surcharges
25 imposed under ch. 814, are paid during a period of suspension, the court or judge

SENATE BILL 40**SECTION 3425**

1 shall immediately notify the department. Upon receipt of the notice and payment
2 of the reinstatement fee fees under s. 343.21 (1) (j) and (n), the department shall
3 return the surrendered license.

4 **SECTION 3426.** 345.47 (1) (c) of the statutes, as affected by 2007 Wisconsin Act
5 (this act), is amended to read:

6 345.47 (1) (c) If a court ~~or judge~~ suspends an operating privilege under this
7 section, the court ~~or judge~~ shall immediately may take possession of the suspended
8 license ~~and~~. If the court takes possession of a license, it shall destroy the license. The
9 court shall forward it to the department ~~together with~~ the notice of suspension,
10 which shall clearly state that the suspension was for failure to pay a forfeiture, plus
11 costs, fees, and surcharges imposed under ch. 814. The notice of suspension ~~and the~~
12 ~~suspended license, if it is available,~~ shall be forwarded to the department within 48
13 hours after the order of suspension. If the forfeiture, plus costs, fees, and surcharges
14 imposed under ch. 814, are paid during a period of suspension, the court ~~or judge~~
15 shall immediately notify the department. ~~Upon receipt of the notice and payment~~
16 ~~of the fees under s. 343.21 (1) (j) and (n), the department shall return the surrendered~~
17 ~~license.~~

18 **SECTION 3427.** 345.48 (2) of the statutes is amended to read:

19 345.48 (2) If the defendant is found guilty of a traffic violation for which
20 revocation of his or her operating privilege is mandatory under s. 343.31, or for which
21 the court revokes or suspends his or her operating privilege under s. 343.30, the court
22 ~~shall immediately~~ may take possession of the suspended or revoked license. If the
23 court takes possession of a license, it shall destroy the license. The revocation or
24 suspension is effective immediately. The court ordered suspension or revocation
25 shall be included as part of the report of conviction under sub. (1m).

SENATE BILL 40**SECTION 3428**

1 **SECTION 3428.** 345.48 (3) of the statutes is repealed.

2 **SECTION 3429.** 345.48 (4) of the statutes is amended to read:

3 345.48 **(4)** If notice of appeal is filed the court shall, within 5 working days after
4 it is filed, forward to the department a certificate stating that a notice of appeal has
5 been filed ~~and shall return any surrendered license.~~ Thereafter, the court shall
6 notify the department as required under s. 343.325 (1) (b) and (c).

7 **SECTION 3430.** 346.50 (3m) (b) 5. of the statutes is amended to read:

8 346.50 **(3m)** (b) 5. The ordinance shall require the city to submit a report by
9 December 31 of each odd-numbered year to the council on physical disabilities ~~under~~
10 ~~s. 46.29 (1) (fm)~~ on implementation and administration of the ordinance, including
11 an evaluation of the effectiveness of time limitations imposed by the ordinance. With
12 respect to spaces reserved by the city for use by a motor vehicle used by a physically
13 disabled person upon any portion of a street, highway or parking facility, the report
14 shall include the total number of spaces; the total number of spaces in a parking
15 facility and the number of those spaces that are subject to a time limitation, and the
16 duration of any such limitation; and the total number of spaces upon a street or
17 highway and the number of those spaces that are subject to a time limitation, and
18 the duration of any such limitation.

19 **SECTION 3431.** 346.65 (2c) of the statutes is amended to read:

20 346.65 **(2c)** In sub. (2) (am) 2., 3., 4., and 5., the time period shall be measured
21 from the dates of the refusals or violations that resulted in the revocation or
22 convictions. If a person has a suspension, revocation, or conviction for any offense
23 under a local ordinance or a state statute of another state jurisdiction that would be
24 counted under s. 343.307 (1), that suspension, revocation, or conviction shall count
25 as a prior suspension, revocation, or conviction under sub. (2) (am) 2., 3., 4., and 5.

SENATE BILL 40**SECTION 3432**

1 **SECTION 3432.** 346.65 (2e) of the statutes is amended to read:

2 346.65 **(2e)** If the court determines that a person does not have the ability to
3 pay the costs and fine or forfeiture imposed under sub. (2) (am), (f), or (g), the court
4 may reduce the costs, fine, and forfeiture imposed and order the person to pay, toward
5 the cost of the assessment and driver safety plan imposed under s. 343.30 (1q) (c), if
6 applicable, the difference between the amount of the reduced costs and fine or
7 forfeiture and the amount of costs and fine or forfeiture imposed under sub. (2) (am),
8 (f), or (g).

9 **SECTION 3433.** 346.65 (6) (a) 3. of the statutes is amended to read:

10 346.65 **(6)** (a) 3. The court shall notify the department, in a form and manner
11 prescribed by the department, that an order to seize a motor vehicle has been
12 entered. The If the motor vehicle is registered in this state under ch. 341 and the
13 department has issued a valid certificate of title for the vehicle under ch. 342, the
14 registration records of the department shall reflect that the order has been entered
15 against the vehicle and remains unexecuted. Any law enforcement officer may
16 execute that order, and shall transfer any motor vehicle ordered seized to the law
17 enforcement agency that was originally ordered to seize the vehicle, based on the
18 information provided by the department. The law enforcement agency shall notify
19 the department when an order has been executed under this subdivision and the
20 department shall amend its vehicle registration records to reflect that notification
21 if the motor vehicle is registered in this state under ch. 341 and the department has
22 issued a valid certificate of title for the vehicle under ch. 342.

23 **SECTION 3434.** 346.65 (6) (km) of the statutes is amended to read:

24 346.65 **(6)** (km) If a person purchases a motor vehicle in good faith and without
25 knowledge that the motor vehicle was subject to immobilization or seizure or to

SENATE BILL 40**SECTION 3434**

1 equipping with an ignition interlock device under this subsection and the
2 department has no valid reason for not issuing a certificate of title other than the
3 prohibition under par. (k), the department shall issue a new certificate of title in the
4 name of the person requesting the new certificate of title if at the time of the purchase
5 of the motor vehicle the certificate of title did not contain the notation stamped on
6 the certificate of title by the clerk of circuit court under par. (a) 2m. ~~and~~, if the person
7 submits the affidavit required under s. 342.12 (4) (c) 1. c., and if the department has
8 previously issued a valid certificate of title for the motor vehicle.

9 **SECTION 3435.** 346.655 (1) of the statutes is amended to read:

10 346.655 (1) If a court imposes a fine or a forfeiture for a violation of s. 346.63
11 (1) or (5), ~~except for a first violation of s. 346.63 (1) (b), if the person who committed~~
12 ~~the violation had a blood alcohol concentration of 0.08 or more but less than 0.1 at~~
13 ~~the time of the violation,~~ or a local ordinance in conformity therewith, or s. 346.63
14 (2) or (6) or 940.25, or s. 940.09 where the offense involved the use of a vehicle, it shall
15 impose a driver improvement surcharge under ch. 814 in an amount of \$355 in
16 addition to the fine or forfeiture, plus costs, fees, and other surcharges imposed under
17 ch. 814.

18 **SECTION 3436.** 349.19 of the statutes is amended to read:

19 **349.19 Authority to require accident reports.** Any city, village, town or
20 county may by ordinance require the operator of a vehicle involved in an accident to
21 file with a designated municipal department or officer a report of such accident or
22 a copy of any report required to be filed with the department. All such reports are
23 for the confidential use of such department or officer and are otherwise subject to s.
24 346.73, except that this section does not prohibit the disclosure of a person's name
25 or address, of the name or address of a person's employer or of financial information

SENATE BILL 40**SECTION 3436**

1 that relates to a person when requested under s. 49.22 (2m) to the department of
2 workforce development children and families or a county child support agency under
3 under s. 59.53 (5).

4 **SECTION 3437.** 350.055 of the statutes is renumbered 350.055 (1) and amended
5 to read:

6 350.055 (1) The department shall establish a program of instruction on
7 snowmobile laws, including the intoxicated snowmobiling law, regulations, safety
8 and related subjects. The program shall be conducted by instructors certified by the
9 department. The department may procure liability insurance coverage for certified
10 instructors for work within the scope of their duties under this section. For each
11 person who is under the age of 16 years, the program shall include 6 hours of
12 classroom instruction, and the instructor may provide to the person up to 2
13 additional hours of instruction on a snowmobile as to how it is actually operated.
14 Each person satisfactorily completing this program shall receive a snowmobile
15 safety certificate from the department. The department shall establish by rule an
16 instruction fee for this program. An instructor conducting a program of instruction
17 under this section shall collect the instruction fee from each person who receives
18 instruction. The department may determine the portion of this fee, which may not
19 exceed 50%, that the instructor may retain to defray expenses incurred by the
20 instructor in conducting the program. The instructor shall remit the remainder of
21 the fee or, if nothing is retained, the entire fee to the department. The department
22 shall issue a duplicate certificate of accomplishment to a person who is entitled to a
23 duplicate certificate of accomplishment and who pays a fee of \$2.75.

24 **(2)** A person who is required to hold a valid snowmobile safety certificate may
25 operate a snowmobile in this state if the person holds a valid snowmobile safety

SENATE BILL 40**SECTION 3437**

1 certificate issued by another state or province of the Dominion of Canada and if the
2 course content of the program in such other state or province substantially meets
3 that established by the department under this section.

4 **SECTION 3438.** 350.11 (3) (d) of the statutes is amended to read:

5 350.11 **(3)** (d) *Alcohol, controlled substances or controlled substance analogs;*
6 *assessment.* In addition to any other penalty or order, a person who violates s.
7 350.101 (1) or (2) or 350.104 (5) or who violates s. 940.09 or 940.25 if the violation
8 involves the operation of a snowmobile, shall be ordered by the court to submit to and
9 comply with an assessment by an approved public treatment facility for an
10 examination of the person's use of alcohol, controlled substances or controlled
11 substance analogs. The assessment order shall comply with s. 343.30 (1q) (c) 1. a-
12 ~~to c.~~ Intentional failure to comply with an assessment ordered under this paragraph
13 constitutes contempt of court, punishable under ch. 785.

14 **SECTION 3439.** 351.02 (1) (intro.) of the statutes is amended to read:

15 351.02 **(1)** (intro.) "Habitual traffic offender" means any person, ~~resident or~~
16 ~~nonresident,~~ whose record, as maintained by the department, shows that the person
17 has accumulated the number of convictions for the separate and distinct offenses,
18 regardless of the class or type of motor vehicle being operated, under par. (a) or (b)
19 committed within a 5-year period as follows:

20 **SECTION 3440.** 351.02 (1m) of the statutes is amended to read:

21 351.02 **(1m)** "Repeat habitual traffic offender" means any person, ~~resident or~~
22 ~~nonresident,~~ whose record, as maintained by the department, shows that the person
23 has been convicted of 2 offenses under sub. (1) (b) committed within one year
24 following issuance of an occupational license to the person pursuant to s. 351.07 or
25 whose record, as maintained by the department, shows that the person has been

SENATE BILL 40**SECTION 3440**

1 convicted of one offense under sub. (1) (a) or 4 offenses under sub. (1) (b) committed
2 within 3 years following issuance of an occupational license to the person pursuant
3 to s. 351.07, regardless of the license under which the person was operating a motor
4 vehicle or the classification of the vehicle being operated.

5 **SECTION 3441.** 351.025 (1) of the statutes is renumbered 351.025 (1) (a) and
6 amended to read:

7 351.025 (1) (a) The Except as provided in par. (b), the secretary shall revoke
8 a person's, for a period of 5 years, the operating privilege for a period of 5 years of a
9 person who is a licensee under ch. 343 or is a resident to whom another jurisdiction
10 has not issued an operator's license upon receipt of a record of conviction which
11 brings the person within the definition of a habitual traffic offender or repeat
12 habitual traffic offender.

13 **SECTION 3442.** 351.025 (1) (b) of the statutes is created to read:

14 351.025 (1) (b) The department may not revoke a person's operating privilege
15 under par. (a) based, in whole or part, upon any conviction for an offense committed
16 in another jurisdiction if at the time of the conviction the person was licensed in or
17 resided in another jurisdiction unless, after the person has become licensed under
18 ch. 343 or transferred residency to this state, the person is convicted of an offense
19 under s. 351.02 (1) (a) or (b) committed in this state.

20 **SECTION 3443.** 351.027 (2) of the statutes is amended to read:

21 351.027 (2) If the person denies that he or she is a habitual traffic offender or
22 repeat habitual traffic offender subject to operating privilege revocation under s.
23 351.025 (1), the person may file with the circuit court for the county in which the
24 person resides, or, in the case of a nonresident, with the circuit court for Dane County
25 person who moves from this state after the person's operating privilege is revoked

SENATE BILL 40**SECTION 3443**

1 under s. 351.025 (1) the county in which the person resided at the time the operating
2 privilege was revoked, a petition for a hearing and determination by the court that
3 the person is not a habitual traffic offender or repeat habitual traffic offender subject
4 to operating privilege revocation under s. 351.025 (1). The scope of the hearing shall
5 be limited to whether or not the person is the same person named in the record and,
6 whether or not the person was convicted of each offense shown by the record, and
7 whether the provisions of s. 351.025 (1) (b) prohibit revocation. The clerk of the court
8 in which the petition is filed shall forward a copy of the petition to the secretary.

9 **SECTION 3444.** 351.03 of the statutes is amended to read:

10 **351.03 Secretary to certify copy of conviction record.** Upon receipt of the
11 copy of the petition under s. 351.027, the secretary shall certify the record of
12 conviction of any person whose record brings him or her within the definition of a
13 habitual traffic offender or repeat habitual traffic offender subject to operating
14 privilege revocation under s. 351.025 (1) to the court and to the district attorney of
15 the county in which the person resides or ~~to the attorney general if the person is not~~
16 ~~a resident of this state,~~ if the person moves from this state after the person's
17 operating privilege is revoked under s. 351.025 (1) the county in which the person
18 resided at the time the operating privilege was revoked. The certified record shall
19 be prima facie evidence that the person named therein was duly convicted by the
20 court wherein the conviction or finding was made, of each offense shown by the
21 record. If the person denies any of the facts as stated in the record, he or she shall
22 have the burden of proving that the fact is false.

23 **SECTION 3445.** 351.04 of the statutes is amended to read:

24 **351.04 District attorney ~~or attorney general~~ to represent secretary.**

25 The district attorney for the county in which the person resides, or if the person

SENATE BILL 40**SECTION 3445**

1 moves from this state after the person's operating privilege is revoked under s.
2 351.025 (1) the county in which the person resided at the time the operating privilege
3 was revoked, who receives the certified copy of record from the secretary under s.
4 351.03 shall represent the secretary at the hearing under s. 351.027. ~~In the case of~~
5 ~~nonresidents, the attorney general shall represent the secretary at the hearing.~~

6 **SECTION 3446.** 351.05 of the statutes is amended to read:

7 **351.05 Habitual traffic offender or repeat habitual traffic offender**
8 **determination by the court.** The court in which the petition under s. 351.027 is
9 filed shall determine whether the person is a habitual traffic offender or repeat
10 habitual traffic offender subject to operating privilege revocation under s. 351.025
11 (1). If the person denies he or she was convicted or found in violation of any offense
12 necessary for a holding that he or she is a habitual traffic offender or repeat habitual
13 traffic offender subject to operating privilege revocation under s. 351.025 (1), and if
14 the court is not able to make the determination on the evidence before it, the court
15 may certify the decision of the issue to the court in which the conviction or finding
16 of violation was made. The court to which the certification was made shall conduct
17 a hearing to determine the issue and send a certified copy of its final order
18 determining the issue to the court in which the petition was filed.

19 **SECTION 3447.** 351.06 of the statutes is amended to read:

20 **351.06 Order of court.** If the court finds that the person before it is not the
21 same person named in the record or that he or she is not a habitual traffic offender
22 or repeat habitual traffic offender subject to operating privilege revocation under s.
23 351.025 (1), the court shall order the secretary to reinstate the person's Wisconsin
24 operating privilege. If the court finds that the person is the same person named in
25 the record and that he or she is a habitual traffic offender or repeat habitual traffic

SENATE BILL 40**SECTION 3447**

1 offender subject to operating privilege revocation under s. 351.025 (1), the court shall
2 deny the person's petition for a determination that the person is not a habitual traffic
3 offender or repeat habitual traffic offender subject to operating privilege revocation
4 under s. 351.025 (1). The clerk of the court shall file a copy of the order or denial of
5 the petition with the department which shall become a part of the records of the
6 department.

7 **SECTION 3448.** 440.01 (1) (d) of the statutes is amended to read:

8 440.01 (1) (d) "Limit", when used in reference to limiting a credential, means
9 to impose conditions and requirements upon the holder of the credential, ~~and~~ or to
10 restrict the scope of the holder's practice.

11 **SECTION 3449.** 440.03 (9) (intro.) of the statutes is renumbered 440.03 (9) (a)
12 (intro.) and amended to read:

13 440.03 (9) (a) (intro.) ~~The Subject to pars. (b) and (c), the department shall~~
14 ~~include all of the following with each biennial budget request that it makes under s.~~
15 ~~16.42 determine each fee for an initial credential for which no examination is~~
16 ~~required, for a reciprocal credential, and for a credential renewal fee by doing all of~~
17 ~~the following:~~

18 **SECTION 3450.** 440.03 (9) (a) of the statutes is renumbered 440.03 (9) (a) 1. and
19 amended to read:

20 440.03 (9) (a) 1. ~~A recalculation of Recalculating the administrative and~~
21 ~~enforcement costs of the department that are attributable to the regulation of each~~
22 ~~occupation or business under chs. 440 to 480 and that are included in the budget~~
23 ~~request.~~

24 **SECTION 3451.** 440.03 (9) (b) of the statutes is renumbered 440.03 (9) (a) 2. and
25 amended to read:

SENATE BILL 40**SECTION 3451**

1 440.03 (9) (a) 2. ~~A recommended change to~~ Not later than January 31 of each
2 odd-numbered year, adjusting for the succeeding fiscal biennium each fee specified
3 under s. 440.05 (1) for an initial credential for which an examination is not required,
4 under s. 440.05 (2) for a reciprocal credential, and under, subject to s. 440.08 (2) (a),
5 for a credential renewal, if the change an adjustment is necessary to reflect the
6 approximate administrative and enforcement costs of the department that are
7 attributable to the regulation of the particular occupation or business during the
8 period in which the initial or reciprocal credential or credential renewal is in effect
9 and, for purposes of ~~the recommended change to~~ each fee specified ~~under s. 440.08~~
10 ~~(2) (a)~~ for a credential renewal, to reflect an estimate of any additional moneys
11 available for the department's general program operations, ~~during the budget period~~
12 ~~to which the biennial budget request applies,~~ as a result of appropriation transfers
13 that have been or are estimated to be made under s. 20.165 (1) (i) ~~prior to and during~~
14 ~~that budget period~~ during the fiscal biennium in progress at the time of the deadline
15 for an adjustment under this subdivision or during the fiscal biennium beginning on
16 the July 1 immediately following the deadline for an adjustment under this
17 subdivision.

18 **(b)** The department may not recommend an initial credential fee that exceeds
19 the amount of the fee that the department recommends for a renewal of the same
20 credential, if no examination is required for the initial credential.

21 **SECTION 3452.** 440.03 (9) (c) of the statutes is created to read:

22 440.03 (9) (c) The cemetery board may by rule impose a fee in addition to the
23 renewal fee determined by the department under this subsection for renewal of a
24 license granted under s. 440.91 (1).

25 **SECTION 3453.** 440.03 (9) (d) of the statutes is created to read:

SENATE BILL 40**SECTION 3453**

1 440.03 (9) (d) Not later than 14 days after completing proposed fee adjustments
2 under par. (a), the department shall send a report detailing the proposed fee
3 adjustments to the cochairpersons of the joint committee on finance. If, within 14
4 working days after the date that the department submits the report, the
5 cochairpersons of the committee notify the secretary that the committee has
6 scheduled a meeting for the purpose of reviewing the proposed adjustments, the
7 department may not impose the fee adjustments until the committee approves the
8 report. If the cochairpersons of the committee do not notify the secretary, the
9 department shall notify credential holders of the fee adjustments by posting the fee
10 adjustments on the department's Internet Web site and in credential renewal notices
11 sent to affected credential holders under s. 440.08 (1).

12 **SECTION 3454.** 440.03 (11m) (am) of the statutes is amended to read:

13 440.03 (11m) (am) If an applicant specified in par. (a) 1. or 2. is an individual
14 who does not have a social security number, the applicant shall submit a statement
15 made or subscribed under oath that the applicant does not have a social security
16 number. The form of the statement shall be prescribed by the department of
17 ~~workforce development~~ children and families. A credential or license issued in
18 reliance upon a false statement submitted under this paragraph is invalid.

19 **SECTION 3455.** 440.03 (11m) (c) of the statutes is amended to read:

20 440.03 (11m) (c) The department of regulation and licensing may not disclose
21 a social security number obtained under par. (a) to any person except the coordinated
22 licensure information system under s. 441.50 (7); the department of ~~workforce~~
23 ~~development~~ children and families for purposes of administering s. 49.22; and, for
24 a social security number obtained under par. (a) 1., the department of revenue for the
25 purpose of requesting certifications under s. 73.0301 and administering state taxes.

SENATE BILL 40**SECTION 3456**

1 **SECTION 3456.** 440.03 (12m) of the statutes is amended to read:

2 440.03 **(12m)** The department of regulation and licensing shall cooperate with
3 the departments of justice, children and families, and health and family services in
4 developing and maintaining a computer linkup to provide access to information
5 regarding the current status of a credential issued to any person by the department
6 of regulation and licensing, including whether that credential has been restricted in
7 any way.

8 **SECTION 3457.** 440.03 (13) (c) of the statutes is amended to read:

9 440.03 **(13)** (c) The department shall require an applicant for a private
10 detective license or a private security permit under s. 440.26, and a person for whom
11 the department conducts an investigation under par. (b), to be photographed and
12 fingerprinted ~~on 2 fingerprint cards, each bearing a complete set of the person's~~
13 ~~fingerprints~~ using a fingerprint procedure specified by the department. The
14 department of justice may submit the ~~fingerprint cards~~ applicant's fingerprints to
15 the federal bureau of investigation for the purpose of verifying the identity of the
16 persons fingerprinted and obtaining records of their criminal arrests and
17 convictions.

18 **SECTION 3458.** 440.03 (14) (a) 1. c. of the statutes is amended to read:

19 440.03 **(14)** (a) 1. c. The person pays the initial credential fee ~~specified in s.~~
20 ~~440.05 (1)~~ determined by the department under s. 440.03 (9) (a) and files with the
21 department evidence satisfactory to the department that he or she is certified,
22 registered or accredited as required under subd. 1. a.

23 **SECTION 3459.** 440.03 (14) (a) 2. c. of the statutes is amended to read:

24 440.03 **(14)** (a) 2. c. The person pays the initial credential fee ~~specified in s.~~
25 ~~440.05 (1)~~ determined by the department under s. 440.03 (9) (a) and files with the

SENATE BILL 40**SECTION 3459**

1 department evidence satisfactory to the department that he or she is certified,
2 registered or accredited as required under subd. 2. a.

3 **SECTION 3460.** 440.03 (14) (a) 3. c. of the statutes is amended to read:

4 440.03 (14) (a) 3. c. The person pays the initial credential fee ~~specified in s.~~
5 ~~440.05 (1)~~ determined by the department under s. 440.03 (9) (a) and files with the
6 department evidence satisfactory to the department that he or she is certified,
7 registered or accredited as required under subd. 3. a.

8 **SECTION 3461.** 440.03 (14) (am) of the statutes is amended to read:

9 440.03 (14) (am) The department may promulgate rules that establish
10 requirements for granting a license to practice psychotherapy to a person who is
11 registered under par. (a). Rules promulgated under this paragraph shall establish
12 requirements for obtaining such a license that are comparable to the requirements
13 for obtaining a clinical social worker, marriage and family therapist, or professional
14 counselor license under ch. 457. If the department promulgates rules under this
15 paragraph, the department shall grant a license under this paragraph to a person
16 registered under par. (a) who pays the initial credential fee ~~specified in s. 440.05 (1)~~
17 determined by the department under s. 440.03 (9) (a) and provides evidence
18 satisfactory to the department that he or she satisfies the requirements established
19 in the rules.

20 **SECTION 3462.** 440.03 (14) (c) of the statutes is amended to read:

21 440.03 (14) (c) The renewal dates for certificates granted under par. (a) and
22 licenses granted under par. (am) are specified in s. 440.08 (2) (a). Renewal
23 applications shall be submitted to the department on a form provided by the
24 department and shall include the renewal fee ~~specified in s. 440.08 (2) (a)~~ determined
25 by the department under s. 440.03 (9) (a) and evidence satisfactory to the department

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1 that the person's certification, registration, or accreditation specified in par. (a) 1. a.,
2 2. a., or 3. a. has not been revoked.

3 **SECTION 3463.** 440.05 (1) (a) of the statutes is amended to read:

4 440.05 (1) (a) Initial credential: \$53 An amount determined by the department
5 under s. 440.03 (9) (a). Each applicant for an initial credential shall pay the initial
6 credential fee to the department when the application materials for the initial
7 credential are submitted to the department.

8 **SECTION 3464.** 440.05 (2) of the statutes is amended to read:

9 440.05 (2) Reciprocal credential, including any credential described in s.
10 440.01 (2) (d) and any credential that permits temporary practice in this state in
11 whole or in part because the person holds a credential in another jurisdiction: The
12 applicable credential renewal fee ~~under s. 440.08 (2) (a)~~ determined by the
13 department under s. 440.03 (9) (a) and, if an examination is required, an
14 examination fee under sub. (1).

15 **SECTION 3465.** 440.08 (2) (a) of the statutes is amended to read:

16 440.08 (2) (a) Except as provided in par. (b) and in ss. 440.51, 442.04, 444.03,
17 444.11, 448.065, 447.04 (2) (c) 2., 449.17 (1m) (d), and 449.18 (2) (d), the renewal dates
18 and renewal fees for credentials are as follows:

- 19 1. Accountant, certified public: December 15 of each odd-numbered year; ~~\$59.~~
- 20 3. Accounting corporation or partnership: December 15 of each odd-numbered
21 year; ~~\$56.~~
- 22 4. Acupuncturist: July 1 of each odd-numbered year; ~~\$70.~~
- 23 4m. Advanced practice nurse prescriber: October 1 of each even-numbered
24 year; ~~\$73.~~
- 25 5. Aesthetician: April 1 of each odd-numbered year; ~~\$87.~~

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- 1 6. Aesthetics establishment: April 1 of each odd-numbered year; \$70.
- 2 7. Aesthetics instructor: April 1 of each odd-numbered year; \$70.
- 3 8. Aesthetics school: April 1 of each odd-numbered year; \$115.
- 4 9. Aesthetics specialty school: April 1 of each odd-numbered year; \$53.
- 5 9m. Substance abuse counselor, clinical supervisor, or prevention specialist:
6 except as limited in s. 440.88 (4), March 1 of each odd-numbered year; \$70.
- 7 11. Appraiser, real estate, certified general: December 15 of each
8 odd-numbered year; \$162.
- 9 11m. Appraiser, real estate, certified residential: December 15 of each
10 odd-numbered year; \$167.
- 11 12. Appraiser, real estate, licensed: December 15 of each odd-numbered year;
12 \$185.
- 13 13. Architect: August 1 of each even-numbered year; \$60.
- 14 14. Architectural or engineering firm, partnership or corporation: February 1
15 of each even-numbered year; \$70.
- 16 14d. Athlete agent: July 1 of each even-numbered year; \$53.
- 17 14f. Athletic trainer: July 1 of each even-numbered year; \$53.
- 18 14g. Auction company: December 15 of each even-numbered year; \$56.
- 19 14r. Auctioneer: December 15 of each even-numbered year; \$174.
- 20 15. Audiologist: February 1 of each odd-numbered year; \$106.
- 21 16. Barbering or cosmetology establishment: April 1 of each odd-numbered
22 year; \$56.
- 23 17. Barbering or cosmetology instructor: April 1 of each odd-numbered year;
24 \$91.

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- 1 18. Barbering or cosmetology manager: April 1 of each odd-numbered year;
2 \$71.
- 3 19. Barbering or cosmetology school: April 1 of each odd-numbered year; ~~\$138.~~
- 4 20. Barber or cosmetologist: April 1 of each odd-numbered year; ~~\$63.~~
- 5 21. Cemetery authority, licensed: December 15 of each even-numbered year;
6 ~~\$343, plus an amount to be determined by rule by the cemetery board.~~
- 7 22. Cemetery preneed seller: December 15 of each even-numbered year; ~~\$61.~~
- 8 23. Cemetery salesperson: December 15 of each even-numbered year; ~~\$90.~~
- 9 23m. Charitable organization: August 1 of each year; ~~\$15.~~
- 10 24. Chiropractor: December 15 of each even-numbered year; ~~\$168.~~
- 11 24m. Crematory authority: January 1 of each even-numbered year; ~~\$53.~~
- 12 25. Dental hygienist: October 1 of each odd-numbered year; ~~\$57.~~
- 13 26. Dentist: October 1 of each odd-numbered year; ~~\$131.~~
- 14 26m. Dentist, faculty member: October 1 of each odd-numbered year; ~~\$131.~~
- 15 27. Designer of engineering systems: February 1 of each even-numbered year;
16 ~~\$58.~~
- 17 27m. Dietitian: November 1 of each even-numbered year; ~~\$56.~~
- 18 28. Drug distributor: June 1 of each even-numbered year; ~~\$70.~~
- 19 29. Drug manufacturer: June 1 of each even-numbered year; ~~\$70.~~
- 20 30. Electrologist: April 1 of each odd-numbered year; ~~\$76.~~
- 21 31. Electrology establishment: April 1 of each odd-numbered year; ~~\$56.~~
- 22 32. Electrology instructor: April 1 of each odd-numbered year; ~~\$86.~~
- 23 33. Electrology school: April 1 of each odd-numbered year; ~~\$71.~~
- 24 34. Electrology specialty school: April 1 of each odd-numbered year; ~~\$53.~~
- 25 35. Engineer, professional: August 1 of each even-numbered year; ~~\$58.~~

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- 1 35m. Fund-raising counsel: September 1 of each even-numbered year; ~~\$53.~~
- 2 36. Funeral director: December 15 of each odd-numbered year; ~~\$135.~~
- 3 37. Funeral establishment: June 1 of each odd-numbered year; ~~\$56.~~
- 4 38. Hearing instrument specialist: February 1 of each odd-numbered year;
- 5 ~~\$106.~~
- 6 38g. Home inspector: December 15 of each even-numbered year; ~~\$53.~~
- 7 38m. Landscape architect: August 1 of each even-numbered year; ~~\$56.~~
- 8 39. Land surveyor: February 1 of each even-numbered year; ~~\$77.~~
- 9 42. Manicuring establishment: April 1 of each odd-numbered year; ~~\$53.~~
- 10 43. Manicuring instructor: April 1 of each odd-numbered year; ~~\$53.~~
- 11 44. Manicuring school: April 1 of each odd-numbered year; ~~\$118.~~
- 12 45. Manicuring specialty school: April 1 of each odd-numbered year; ~~\$53.~~
- 13 46. Manicurist: April 1 of each odd-numbered year; ~~\$133.~~
- 14 46m. Marriage and family therapist: March 1 of each odd-numbered year; ~~\$84.~~
- 15 46r. Massage therapist or bodyworker: March 1 of each odd-numbered year;
- 16 ~~\$53.~~
- 17 46w. Midwife, licensed: July 1 of each even-numbered year; ~~\$56.~~
- 18 48. Nurse, licensed practical: May 1 of each odd-numbered year; ~~\$69.~~
- 19 49. Nurse, registered: March 1 of each even-numbered year; ~~\$66.~~
- 20 50. Nurse-midwife: March 1 of each even-numbered year; ~~\$70.~~
- 21 51. Nursing home administrator: July 1 of each even-numbered year; ~~\$120.~~
- 22 52. Occupational therapist: November 1 of each odd-numbered year; ~~\$59.~~
- 23 53. Occupational therapy assistant: November 1 of each odd-numbered year;
- 24 ~~\$62.~~
- 25 54. Optometrist: December 15 of each odd-numbered year; ~~\$65.~~

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- 1 54m. Perfusionist: November 1 of each odd-numbered year; ~~\$56.~~
- 2 55. Pharmacist: June 1 of each even-numbered year; ~~\$97.~~
- 3 56. Pharmacy, in-state and out-of-state: June 1 of each even-numbered year;
- 4 ~~\$56.~~
- 5 57. Physical therapist: November 1 of each odd-numbered year; ~~\$62.~~
- 6 57m. Physical therapist assistant: November 1 of each odd-numbered year;
- 7 ~~\$44.~~
- 8 58. Physician: November 1 of each odd-numbered year; ~~\$106.~~
- 9 59. Physician assistant: November 1 of each odd-numbered year; ~~\$72.~~
- 10 60. Podiatrist: November 1 of each odd-numbered year; ~~\$150.~~
- 11 61. Private detective: September 1 of each even-numbered year; ~~\$101.~~
- 12 62. Private detective agency: September 1 of each odd-numbered year; ~~\$53.~~
- 13 63. Private practice school psychologist: October 1 of each odd-numbered year;
- 14 ~~\$103.~~
- 15 63g. Private security person: September 1 of each even-numbered year; ~~\$53.~~
- 16 63m. Professional counselor: March 1 of each odd-numbered year; ~~\$76.~~
- 17 63t. Professional fund-raiser: September 1 of each even-numbered year; ~~\$93.~~
- 18 63u. Professional geologist: August 1 of each even-numbered year; ~~\$59.~~
- 19 63v. Professional geology, hydrology or soil science firm, partnership or
- 20 corporation: August 1 of each even-numbered year; ~~\$53.~~
- 21 63w. Professional hydrologist: August 1 of each even-numbered year; ~~\$53.~~
- 22 63x. Professional soil scientist: August 1 of each even-numbered year; ~~\$53.~~
- 23 64. Psychologist: October 1 of each odd-numbered year; ~~\$157.~~
- 24 65. Real estate broker: December 15 of each even-numbered year; ~~\$128.~~

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1 66. Real estate business entity: December 15 of each even-numbered year;
2 ~~\$56.~~

3 67. Real estate salesperson: December 15 of each even-numbered year;~~\$83.~~

4 67m. Registered interior designer: August 1 of each even-numbered year;~~\$56.~~

5 67v. Registered music, art or dance therapist: October 1 of each odd-numbered
6 year;~~\$53.~~

7 67x. Registered music, art, or dance therapist with psychotherapy license:
8 October 1 of each odd-numbered year;~~\$53.~~

9 68. Respiratory care practitioner: November 1 of each odd-numbered year;
10 ~~\$65.~~

11 68b. Sanitarian: January 1 of each even-numbered year;~~\$53.~~

12 68d. Social worker: March 1 of each odd-numbered year;~~\$63.~~

13 68h. Social worker, advanced practice: March 1 of each odd-numbered year;
14 ~~\$70.~~

15 68p. Social worker, independent: March 1 of each odd-numbered year;~~\$58.~~

16 68t. Social worker, independent clinical: March 1 of each odd-numbered year;
17 ~~\$73.~~

18 68v. Speech-language pathologist: February 1 of each odd-numbered year;
19 ~~\$63.~~

20 69. Time-share salesperson: December 15 of each even-numbered year;~~\$119.~~

21 70. Veterinarian: December 15 of each odd-numbered year;~~\$105.~~

22 71. Veterinary technician: December 15 of each odd-numbered year;~~\$58.~~

23 **SECTION 3466.** 440.08 (2) (c) of the statutes is amended to read:

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1 440.08 (2) (c) Except as provided in sub. (3), renewal applications shall include
2 the applicable renewal fee ~~specified in pars. (a) and (b)~~ as determined by the
3 department under s. 440.03 (9) (a) or as specified in par. (b).

4 **SECTION 3467.** 440.08 (3) (a) of the statutes is amended to read:

5 440.08 (3) (a) Except as provided in rules promulgated under par. (b), if the
6 department does not receive an application to renew a credential before its renewal
7 date, the holder of the credential may restore the credential by payment of the
8 applicable renewal fee ~~specified in sub. (2) (a)~~ determined by the department under
9 s. 440.03 (9) (a) and by payment of a late renewal fee of \$25.

10 **SECTION 3468.** 440.13 (1) (b) of the statutes is amended to read:

11 440.13 (1) (b) “Memorandum of understanding” means a memorandum of
12 understanding entered into by the department of regulation and licensing and the
13 department of ~~workforce development~~ children and families under s. 49.857.

14 **SECTION 3469.** 440.13 (2) (a) of the statutes is amended to read:

15 440.13 (2) (a) With respect to a credential granted by the department, the
16 department shall restrict, limit or suspend a credential or deny an application for an
17 initial credential or for reinstatement of an inactive license under s. 452.12 (6) (e) if
18 the credential holder or applicant is delinquent in paying support or fails to comply,
19 after appropriate notice, with a subpoena or warrant issued by the department of
20 ~~workforce development~~ children and families or a county child support agency under
21 s. 59.53 (5) and related to support or paternity proceedings.

22 **SECTION 3470.** 440.13 (2) (b) of the statutes is amended to read:

23 440.13 (2) (b) With respect to credential renewal, the department shall deny
24 an application for renewal if the applicant is delinquent in paying support or fails to
25 comply, after appropriate notice, with a subpoena or warrant issued by the

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1 department of ~~workforce development~~ children and families or a county child
2 support agency under s. 59.53 (5) and related to support or paternity proceedings.

3 **SECTION 3471.** 440.26 (3) of the statutes is amended to read:

4 440.26 (3) ISSUANCE OF LICENSES; FEES. Upon receipt and examination of an
5 application executed under sub. (2), and after any investigation that it considers
6 necessary, the department shall, if it determines that the applicant is qualified, grant
7 the proper license upon payment of the initial credential fee ~~specified in s. 440.05 (1)~~
8 determined by the department under s. 440.03 (9) (a). No license shall be issued for
9 a longer period than 2 years, and the license of a private detective shall expire on the
10 renewal date of the license of the private detective agency, even if the license of the
11 private detective has not been in effect for a full 2 years. Renewals of the original
12 licenses issued under this section shall be issued in accordance with renewal forms
13 prescribed by the department and shall be accompanied by the applicable fees
14 specified in s. 440.08 or determined by the department under s. 440.03 (9) (a). The
15 department may not renew a license unless the applicant provides evidence that the
16 applicant has in force at the time of renewal the bond or liability policy specified in
17 this section.

18 **SECTION 3472.** 440.26 (5) (c) 2. of the statutes is amended to read:

19 440.26 (5) (c) 2. The private detective agency furnishes an up-to-date written
20 record of its employees to the department. The record shall include the name,
21 residence address, date of birth, and a physical description of each employee together
22 with a recent photograph and ~~2 fingerprint cards bearing a complete set of~~
23 fingerprints of each employee using a fingerprint procedure specified by the
24 department.

25 **SECTION 3473.** 440.26 (5m) (a) 4. of the statutes is amended to read:

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1 440.26 (5m) (a) 4. The individual pays to the department the initial credential
2 fee specified in ~~s. 440.05 (1)~~ determined by the department under s. 440.03 (9) (a).

3 **SECTION 3474.** 440.26 (5m) (b) of the statutes is amended to read:

4 440.26 (5m) (b) The renewal dates for permits issued under this subsection are
5 specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
6 department on a form provided by the department and shall include the renewal fee
7 ~~specified in s. 440.08 (2) (a)~~ determined by the department under s. 440.03 (9) (a).

8 **SECTION 3475.** 440.26 (5r) of the statutes is repealed.

9 **SECTION 3476.** 440.42 (1) (c) of the statutes is amended to read:

10 440.42 (1) (c) The department shall issue a certificate of registration to each
11 charitable organization that is registered under this subsection. Renewal
12 applications shall be submitted to the department, on a form provided by the
13 department, on or before the expiration date specified in s. 440.08 (2) (a) and shall
14 include a registration statement that complies with sub. (2) and the renewal fee
15 ~~specified in s. 440.08 (2) (a)~~ determined by the department under s. 440.03 (9) (a).

16 **SECTION 3477.** 440.43 (1) (c) of the statutes is amended to read:

17 440.43 (1) (c) The department shall issue a certificate of registration to each
18 fund-raising counsel that is registered under this subsection. Renewal applications
19 shall be submitted to the department, on a form provided by the department, on or
20 before the date specified in s. 440.08 (2) (a) and shall include the renewal fee ~~specified~~
21 ~~in s. 440.08 (2) (a)~~ determined by the department under s. 440.03 (9) (a) and evidence
22 satisfactory to the department that the fund-raising counsel maintains a bond that
23 is approved under sub. (2).

24 **SECTION 3478.** 440.43 (5) of the statutes is amended to read:

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1 440.43 (5) DEPARTMENT DISCLOSURE. The department shall not disclose
2 information under sub. (4) (c) 1. except to the extent necessary for investigative or
3 law enforcement purposes and except that the department may, if requested under
4 s. 49.22 (2m), disclose information regarding the name, address or employer of or
5 financial information related to an individual to the department of workforce
6 development children and families or a county child support agency under s. 59.53
7 (5).

8 **SECTION 3479.** 440.44 (1) (c) of the statutes is amended to read:

9 440.44 (1) (c) The department shall issue a certificate of registration to each
10 professional fund-raiser that is registered under this subsection. Renewal
11 applications shall be submitted to the department, on a form provided by the
12 department, on or before the date specified in s. 440.08 (2) (a) and shall include the
13 renewal fee ~~specified in s. 440.08 (2) (a)~~ determined by the department under s.
14 440.03 (9) (a) and evidence satisfactory to the department that the professional
15 fund-raiser maintains a bond that is approved under sub. (2).

16 **SECTION 3480.** 440.44 (10) of the statutes is amended to read:

17 440.44 (10) NONDISCLOSURE. The department may not disclose information
18 under sub. (9) (a) 1. to any person except to the extent necessary for investigative or
19 law enforcement purposes and except that the department may, if requested under
20 s. 49.22 (2m), disclose information regarding the name, address or employer of or
21 financial information related to an individual to the department of workforce
22 development children and families or a county child support agency under s. 59.53
23 (5).

24 **SECTION 3481.** 440.62 (2) (a) of the statutes is amended to read:

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1 440.62 (2) (a) An application for initial licensure or renewal or reinstatement
2 of a license under this section shall be submitted to the department on a form
3 provided by the department and shall be accompanied by the applicable fee specified
4 ~~in s. 440.05 (1) or 440.08~~ determined by the department under s. 440.03 (9) (a). Each
5 application shall be accompanied by a surety bond acceptable to the department in
6 the minimum sum of \$25,000 for each location.

7 **SECTION 3482.** 440.63 (2) of the statutes is amended to read:

8 440.63 (2) APPLICATIONS; CERTIFICATION PERIOD. An application for initial
9 certification or renewal or reinstatement of a certificate under this section shall be
10 submitted to the department on a form provided by the department. An application
11 for initial certification shall include the initial credential fee ~~specified in s. 440.05 (1)~~
12 determined by the department under s. 440.03 (9) (a). Renewal applications shall
13 be submitted to the department on a form provided by the department on or before
14 the applicable renewal date specified under s. 440.08 (2) (a) and shall include the
15 applicable renewal fee ~~specified under s. 440.08 (2) (a)~~ determined by the department
16 under s. 440.03 (9) (a), and the applicable penalty for late renewal under s. 440.08
17 (3) if the application is submitted late.

18 **SECTION 3483.** 440.71 (2) (a) of the statutes is amended to read:

19 440.71 (2) (a) Pays the initial credential fee ~~specified in s. 440.05 (1)~~ determined
20 by the department under s. 440.03 (9) (a).

21 **SECTION 3484.** 440.71 (3) of the statutes is amended to read:

22 440.71 (3) RENEWAL. Renewal applications shall be submitted to the
23 department on a form provided by the department on or before the applicable
24 renewal date specified under s. 440.08 (2) (a) and shall include the applicable

SENATE BILL 40**SECTION 3484**

1 renewal fee ~~specified under s. 440.08 (2) (a)~~ determined by the department under s.
2 440.03 (9) (a).

3 **SECTION 3485.** 440.88 (4) of the statutes is amended to read:

4 **440.88 (4) APPLICATIONS; CERTIFICATION PERIOD.** An application for certification
5 as a substance abuse counselor, clinical supervisor, or prevention specialist under
6 this section shall be made on a form provided by the department and filed with the
7 department and shall be accompanied by the initial credential fee ~~specified in s.~~
8 440.05 (1) determined by the department under s. 440.03 (9) (a). The renewal date
9 ~~and renewal fee~~ for certification as a substance abuse counselor, clinical supervisor,
10 or prevention specialist ~~are~~ is specified under s. 440.08 (2) (a) and the renewal fee for
11 such certifications is determined by the department under s. 440.03 (9) (a). Renewal
12 of certification as a substance abuse counselor-in-training, a clinical
13 supervisor-in-training, or a prevention specialist-in-training may be made only
14 twice.

15 **SECTION 3486.** 440.91 (1) (b) 2. of the statutes is amended to read:

16 **440.91 (1) (b) 2.** The cemetery authority pays the initial credential fee ~~specified~~
17 ~~in s. 440.05 (1)~~ determined by the department under s. 440.03 (9) (a).

18 **SECTION 3487.** 440.91 (1) (c) 1. of the statutes is amended to read:

19 **440.91 (1) (c) 1.** The renewal dates ~~and renewal fees~~ for licenses granted under
20 par. (b) are specified in s. 440.08 (2) (a) and the renewal fees for such licenses are
21 determined by the department under s. 440.03 (9) (a), except that a licensed cemetery
22 authority is not required to renew its license if the cemetery authority sells less than
23 20 cemetery lots or mausoleum spaces at a cemetery during a calendar year, or that
24 has less than \$100,000 in preneed trust fund accounts for a cemetery.

25 **SECTION 3488.** 440.91 (2) (intro.) of the statutes is amended to read:

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1 440.91 (2) (intro.) Except as provided in sub. (10), every person that sells or
2 solicits the sale of, or that expects to sell or solicit the sale of, 20 or more cemetery
3 lots or mausoleum spaces per year during 2 consecutive calendar years shall be
4 licensed by the board. A person may not be licensed as a cemetery salesperson except
5 upon the written request of a cemetery authority and the payment of the initial
6 credential fee specified in s. 440.05 (1) determined by the department under s. 440.03
7 (9) (a). The cemetery authority shall certify in writing to the board that the person
8 is competent to act as a cemetery salesperson. An applicant for licensure as a
9 cemetery salesperson shall furnish to the board, in such form as the board prescribes,
10 all of the following information:

11 **SECTION 3489.** 440.91 (4) of the statutes is amended to read:

12 440.91 (4) Renewal applications shall be submitted to the department on a
13 form provided by the department on or before the applicable renewal date specified
14 under s. 440.08 (2) (a) and shall include the applicable renewal fee ~~specified under~~
15 ~~s. 440.08 (2) (a) determined by the department under s. 440.03 (9) (a)~~.

16 **SECTION 3490.** 440.92 (1) (b) 2. of the statutes is amended to read:

17 440.92 (1) (b) 2. Pays the initial credential fee under s. 440.05 (1) determined
18 by the department under s. 440.03 (9) (a).

19 **SECTION 3491.** 440.92 (1) (c) of the statutes is amended to read:

20 440.92 (1) (c) Renewal applications shall be submitted to the department on
21 a form provided by the department on or before the applicable renewal date specified
22 under s. 440.08 (2) (a) and shall include the applicable renewal fee ~~specified under~~
23 ~~s. 440.08 (2) (a) determined by the department under s. 440.03 (9) (a)~~.

24 **SECTION 3492.** 440.92 (6) (d) of the statutes is amended to read:

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1 440.92 (6) (d) All records described under pars. (b) 2. and (c) and maintained
2 by the board are confidential and are not available for inspection or copying under
3 s. 19.35 (1). This paragraph does not apply to any information regarding the name,
4 address or employer of or financial information related to an individual that is
5 requested under s. 49.22 (2m) by the department of ~~workforce development~~ children
6 and families or a county child support agency under s. 59.53 (5).

7 **SECTION 3493.** 440.966 (1) of the statutes is amended to read:

8 440.966 (1) The renewal date ~~and fees~~ for a certificate of registration issued
9 under this subchapter ~~are~~ is specified in s. 440.08 (2) (a), ~~and the renewal fee for such~~
10 certificate of registration is determined by the department under s. 440.03 (9) (a).

11 **SECTION 3494.** 440.972 (2) of the statutes is amended to read:

12 440.972 (2) The renewal date ~~and renewal fee~~ for certificates granted under
13 this section ~~are~~ is specified under s. 440.08 (2) (a) 38g., ~~and the renewal fee for such~~
14 certificates is determined by the department under s. 440.03 (9) (a).

15 **SECTION 3495.** 440.98 (6) of the statutes is amended to read:

16 440.98 (6) APPLICATIONS. An application for a sanitarian registration under this
17 section shall be made on a form provided by the department and filed with the
18 department and shall be accompanied by the initial credential fee ~~specified in s.~~
19 440.05 (1) determined by the department under s. 440.03 (9) (a). The renewal date
20 ~~and renewal fee~~ for a sanitarian registration ~~are~~ is specified under s. 440.08 (2) (a),
21 ~~and the renewal fee for such registration is determined by the department under s.~~
22 440.03 (9) (a).

23 **SECTION 3496.** 440.982 (1m) (b) of the statutes is amended to read:

24 440.982 (1m) (b) The person pays the initial credential fee ~~specified in s. 440.05~~
25 (1) determined by the department under s. 440.03 (9) (a).

SENATE BILL 40**SECTION 3497**

1 **SECTION 3497.** 440.983 (1) of the statutes is amended to read:

2 440.983 (1) The renewal date for licenses granted under this subchapter is
3 specified in s. 440.08 (2) (a). Renewal applications shall be submitted to the
4 department on a form provided by the department and shall include the renewal fee
5 ~~specified in s. 440.08 (2) (a)~~ determined by the department under s. 440.03 (9) (a).

6 **SECTION 3498.** 440.992 (1) of the statutes is amended to read:

7 440.992 (1) Except as otherwise provided in sub. (2), the department shall issue
8 a certificate of registration to an individual who complies with s. 440.9915 (1) or
9 whose application has been accepted under s. 440.9915 (2), if the individual has paid
10 the initial credential fee specified in s. 440.05 (1) (a) determined by the department
11 under s. 440.03 (9) (a).

12 **SECTION 3499.** 440.9935 of the statutes is amended to read:

13 **440.9935 Renewal.** The renewal date ~~and fee~~ for certificates of registration
14 issued under this subchapter ~~are~~ is specified in s. 440.08 (2) (a), and the renewal fee
15 for such certificates is determined by the department under s. 440.03 (9) (a).
16 Renewal applications shall be submitted to the department on a form provided by the
17 department.

18 **SECTION 3500.** 441.06 (3) of the statutes is amended to read:

19 441.06 (3) A registered nurse practicing for compensation shall, on or before
20 the applicable renewal date specified under s. 440.08 (2) (a), submit to the board on
21 furnished forms a statement giving name, residence, and other facts that the board
22 requires, with the applicable renewal fee ~~specified under s. 440.08 (2) (a)~~ determined
23 by the department under s. 440.03 (9) (a).

24 **SECTION 3501.** 441.10 (3) (b) of the statutes is amended to read:

SENATE BILL 40**SECTION 3501**

1 441.10 (3) (b) On or before the applicable renewal date specified under s. 440.08
2 (2) (a), a licensed practical nurse practicing for compensation shall submit to the
3 board, on forms furnished by the department, an application for license renewal,
4 together with a statement giving name, residence, nature and extent of practice as
5 a licensed practical nurse during the prior year and prior unreported years, and
6 other facts bearing upon current competency that the board requires, accompanied
7 by the applicable license renewal fee ~~specified under s. 440.08 (2) (a) determined by~~
8 the department under s. 440.03 (9) (a).

9 **SECTION 3502.** 441.15 (3) (a) 2. of the statutes is amended to read:

10 441.15 (3) (a) 2. Pays the initial credential fee ~~specified under s. 440.05 (1)~~
11 determined by the department under s. 440.03 (9) (a).

12 **SECTION 3503.** 441.15 (3) (b) of the statutes is amended to read:

13 441.15 (3) (b) On or before the applicable renewal date specified under s. 440.08
14 (2) (a), a person issued a license under par. (a) and practicing nurse–midwifery shall
15 submit to the board on furnished forms a statement giving his or her name,
16 residence, and other information that the board requires by rule, with the applicable
17 renewal fee ~~specified under s. 440.08 (2) (a) determined by the department under s.~~
18 440.03 (9) (a). If applicable, the person shall also submit evidence satisfactory to the
19 board that he or she has in effect the malpractice liability insurance required under
20 the rules promulgated under sub. (5) (bm).

21 **SECTION 3504.** 442.08 (1) of the statutes is amended to read:

22 442.08 (1) The department shall issue a license to an individual who holds an
23 unrevoked certificate as a certified public accountant, submits an application for the
24 license on a form provided by the department, and pays the initial credential fee
25 ~~specified in s. 440.05 (1) determined by the department under s. 440.03 (9) (a).~~

SENATE BILL 40**SECTION 3505**

1 **SECTION 3505.** 442.08 (2) (intro.) of the statutes is amended to read:

2 442.08 **(2)** (intro.) The department shall issue a license to a firm that submits
3 an application for the license on a form provided by the department, pays the initial
4 credential fee specified in s. 440.05 (1) determined by the department under s. 440.03
5 (9) (a), and does each of the following:

6 **SECTION 3506.** 442.083 of the statutes is amended to read:

7 **442.083 Renewal.** The renewal dates ~~and renewal fees~~ for licenses issued
8 under this chapter are specified under s. 440.08 (2) (a), and the renewal fees for such
9 licenses are determined by the department under s. 440.03 (9) (a). The department
10 may not renew a license issued to a firm unless, at the time of renewal, the firm
11 satisfies the requirements under s. 442.08 (2) and demonstrates, to the satisfaction
12 of the department, that the firm has complied with the requirements under s.
13 442.087.

14 **SECTION 3507.** 442.09 of the statutes is amended to read:

15 **442.09 Fees.** The fees for examination and licenses granted ~~or renewed~~ under
16 this chapter are specified in ~~ss. s. 440.05 and 440.08~~, The fee for renewal of such
17 licenses is determined by the department under s. 440.03 (9) (a).

18 **SECTION 3508.** 443.07 (6) of the statutes is amended to read:

19 443.07 **(6)** The renewal date ~~and renewal fee~~ for permits under this section ~~are~~
20 is specified under s. 440.08 (2) (a), and the fee for renewal of such permits is
21 determined by the department under s. 440.03 (9) (a).

22 **SECTION 3509.** 443.08 (3) (a) of the statutes is amended to read:

23 443.08 **(3)** (a) A firm, partnership or corporation desiring a certificate of
24 authorization shall submit an application to the department on forms provided by
25 the department, listing the names and addresses of all officers and directors, and all

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1 individuals in its employment registered or granted a permit to practice
2 architecture, professional engineering or designing in this state who will be in
3 responsible charge of architecture, professional engineering or designing being
4 practiced in this state through the firm, partnership or corporation and other
5 relevant information required by the examining board. A similar type of form shall
6 also accompany the renewal fee. If there is a change in any of these persons, the
7 change shall be reported on the same type of form, and filed with the department
8 within 30 days after the effective date of the change. The examining board shall
9 grant a certificate of authorization to a firm, partnership or corporation complying
10 with this subsection upon payment of the initial credential fee specified in s. 440.05
11 (1) determined by the department under s. 440.03 (9) (a). This subsection does not
12 apply to firms, partnerships or corporations exempt under s. 443.14 (3) or (5).

13 **SECTION 3510.** 443.08 (3) (b) of the statutes is amended to read:

14 443.08 (3) (b) The renewal date ~~and renewal fee~~ for certificates of authorization
15 under this section are is specified under s. 440.08 (2) (a), and the fee for renewal of
16 such certificates is determined by the department under s. 440.03 (9) (a).

17 **SECTION 3511.** 443.10 (2) (b) of the statutes is amended to read:

18 443.10 (2) (b) The fees for examinations and licenses granted ~~or renewed~~ under
19 this chapter are specified in ~~ss. s. 440.05 and 440.08~~, and the fee for renewal of such
20 licenses is determined by the department under s. 440.03 (9) (a).

21 **SECTION 3512.** 443.10 (2) (e) of the statutes is amended to read:

22 443.10 (2) (e) The renewal date ~~and renewal fee~~ for certificates of registration
23 for architects, landscape architects, and professional engineers are is specified under
24 s. 440.08 (2) (a), and the fee for renewal of such certificates is determined by the
25 department under s. 440.03 (9) (a).

SENATE BILL 40**SECTION 3513**

1 **SECTION 3513.** 443.10 (5) of the statutes is amended to read:

2 443.10 (5) FEES; RENEWALS. The land surveyor's section shall grant a certificate
3 of registration as a land surveyor to any applicant who has met the applicable
4 requirements of this chapter. The renewal date ~~and renewal fee~~ for the certificate
5 are is specified under s. 440.08 (2) (a), and the renewal fee for the certificate is
6 determined by the department under s. 440.03 (9) (a).

7 **SECTION 3514.** 445.04 (2) of the statutes is amended to read:

8 445.04 (2) No person may engage in the business of a funeral director, or make
9 a representation as engaged in such business, in whole or in part, unless first
10 licensed as a funeral director by the examining board. Application for a license, other
11 than a renewal, shall be in writing and verified on a form to be furnished by the
12 department. The application must specify the address at which the applicant
13 proposes to conduct the business of a funeral director and shall contain such other
14 information as the examining board requires to determine compliance with the
15 requirements of this chapter. Accompanying the application shall be the initial
16 credential fee specified in s. 440.05 (1) determined by the department under s. 440.03
17 (9) (a), together with affidavits of recommendation from at least 2 persons of the
18 county in which the applicant resides or proposes to conduct the business of a funeral
19 director.

20 **SECTION 3515.** 445.06 of the statutes is amended to read:

21 **445.06 Renewal of licenses.** The renewal date ~~and renewal fee~~ for a funeral
22 directors' license are is specified under s. 440.08 (2) (a), and the renewal fee for such
23 license is determined by the department under s. 440.03 (9) (a). Before any renewal
24 license is delivered to any licensed funeral director, proof must be furnished by the
25 applicant, to the satisfaction of the examining board, that the applicant is doing

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1 business at a recognized funeral establishment, except that if such applicant is not
2 doing business at a recognized funeral establishment at the time of application for
3 a license, the applicant shall be given a certificate, without additional cost, to the
4 effect that the applicant is in good standing as a funeral director, and shall be entitled
5 to a renewal license at any time during that license period, when located at a
6 recognized funeral establishment, without payment of any additional renewal fee.
7 The applicant must also furnish proof of completion of at least 15 hours of continuing
8 education during the previous 2–year licensure period, except that new licensees are
9 exempt from this requirement during the time between initial licensure and
10 commencement of a full 2–year licensure period.

11 **SECTION 3516.** 445.105 (3) of the statutes is amended to read:

12 445.105 (3) Applications for funeral establishment permits shall be made on
13 forms provided by the department and filed with the department and shall be
14 accompanied by the initial credential fee specified under s. 440.05 (1) determined by
15 the department under s. 440.03 (9) (a). The renewal date and renewal fee for a
16 funeral establishment permit ~~are~~ is specified under s. 440.08 (2) (a), and the renewal
17 fee for such permit is determined by the department under s. 440.03 (9) (a).

18 **SECTION 3517.** 446.02 (4) of the statutes is amended to read:

19 446.02 (4) The renewal date and renewal fee for all licenses granted by the
20 examining board ~~are~~ is specified under s. 440.08 (2) (a), and the renewal fee for such
21 licenses is determined by the department under s. 440.03 (9) (a).

22 **SECTION 3518.** 447.05 of the statutes is amended to read:

23 **447.05 Expiration and renewal.** Renewal applications shall be submitted
24 to the department on a form provided by the department on or before the applicable
25 renewal date specified under s. 440.08 (2) (a) and shall include the applicable

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1 renewal fee ~~specified under s. 440.08 (2) (a)~~ determined by the department under s.
2 440.03 (9) (a). The examining board may not renew a license to practice dental
3 hygiene unless the applicant for renewal attests that he or she has complied with s.
4 447.055 and any rules promulgated by the department under s. 447.055 and that he
5 or she has a current certification in cardiopulmonary resuscitation.

6 **SECTION 3519.** 448.07 (2) of the statutes is amended to read:

7 448.07 (2) FEES. The fees for examination and licenses granted ~~or renewed~~
8 under this subchapter are specified in ~~ss. s. 440.05,~~ and 440.08 the renewal fee for
9 such licenses is determined by the department under s. 440.03 (9) (a).

10 **SECTION 3520.** 448.55 (2) of the statutes is amended to read:

11 448.55 (2) The renewal dates for licenses granted under this subchapter, other
12 than temporary licenses granted under rules promulgated under s. 448.53 (2), are
13 specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
14 department on a form provided by the department and shall include the renewal fee
15 ~~specified in s. 440.08 (2) (a)~~ determined by the department under s. 440.03 (9) (a) and
16 proof of compliance with the requirements established in any rules promulgated
17 under sub. (3).

18 **SECTION 3521.** 448.65 (2) (a) of the statutes is amended to read:

19 448.65 (2) (a) The renewal fee ~~specified in s. 440.08 (2) (a)~~ determined by the
20 department under 440.03 (9) (a).

21 **SECTION 3522.** 448.86 (2) of the statutes is amended to read:

22 448.86 (2) The renewal dates for certificates granted under this subchapter,
23 other than temporary certificates granted under s. 448.80, are specified under s.
24 440.08 (2) (a). Renewal applications shall be submitted to the department on a form

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1 provided by the department and shall include the renewal fee specified in s. 440.08
2 ~~(2) (a) determined by the department under s. 440.03 (9) (a).~~

3 **SECTION 3523.** 448.955 (2) (intro.) of the statutes is amended to read:

4 448.955 (2) (intro.) Renewal applications shall be submitted to the department
5 on a form provided, subject to sub. (3), by the department and shall include the
6 renewal fee ~~specified in s. 440.08 (2) (a)~~ determined by the department under s.
7 440.03 (9) (a) and evidence satisfactory to the affiliated credentialing board that the
8 licensee has all of the following:

9 **SECTION 3524.** 448.967 (2) of the statutes is amended to read:

10 448.967 (2) The renewal dates for licenses granted under this subchapter are
11 specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
12 department on a form provided by the department and shall include the renewal fee
13 ~~specified in s. 440.08 (2) (a)~~ determined by the department under s. 440.03 (9) (a) and
14 a statement attesting compliance with the continuing education requirements
15 established in rules promulgated under s. 448.965 (1) (b).

16 **SECTION 3525.** 449.06 (1) of the statutes is amended to read:

17 449.06 (1) Persons practicing optometry shall, on or before the applicable
18 renewal date specified under s. 440.08 (2) (a), register with the department, pay the
19 applicable renewal fee ~~specified under s. 440.08 (2) (a)~~ determined by the department
20 under s. 440.03 (9) (a), and provide evidence satisfactory to the examining board that
21 he or she has complied with the rules promulgated under sub. (2m).

22 **SECTION 3526.** 449.17 (8) of the statutes is amended to read:

23 449.17 (8) REIMBURSEMENT PROHIBITED. No optometrist may be reimbursed
24 under s. 49.46 (2) (a) 3. or 49.471 (11) for any increase in charges or separate charge
25 which is attributable to the use of topical ocular diagnostic pharmaceutical agents.

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1 **SECTION 3527.** 450.06 (2) (c) of the statutes is amended to read:

2 450.06 **(2)** (c) The initial credential fee under s. 440.05 (1) determined by the
3 department under s. 440.03 (9) (a) is paid.

4 **SECTION 3528.** 450.065 (2) (d) of the statutes is amended to read:

5 450.065 **(2)** (d) Pays the initial credential fee under s. 440.05 (1) determined
6 by the department under s. 440.03 (9) (a).

7 **SECTION 3529.** 450.07 (1) of the statutes is amended to read:

8 450.07 **(1)** No person may engage in manufacturing in this state unless the
9 person obtains a manufacturer's license from the board. For the issuance of a license
10 under this subsection, the applicant shall pay the initial credential fee specified in
11 s. 440.05 (1) determined by the department under s. 440.03 (9) (a).

12 **SECTION 3530.** 450.07 (2) of the statutes is amended to read:

13 450.07 **(2)** No person may engage in the sale or distribution at wholesale of a
14 prescription drug or device in this state without first obtaining a distributor's license
15 from the board. For the issuance of a license under this subsection, the applicant
16 shall pay the fee specified in s. 440.05 (1) determined by the department under s.
17 440.03 (9) (a).

18 **SECTION 3531.** 450.08 (2) (a) of the statutes is amended to read:

19 450.08 **(2)** (a) A pharmacist's license may be renewed by complying with
20 continuing education requirements under s. 450.085 and paying the applicable fee
21 specified under s. 440.08 (2) (a) determined by the department under s. 440.03 (9) (a)
22 on or before the applicable renewal date specified under s. 440.08 (2) (a). Failure to
23 obtain renewal within the time period specified under this paragraph terminates the
24 right of the person to be licensed as a pharmacist, and such right can only be acquired
25 by passing an examination to the satisfaction of the board.

SENATE BILL 40**SECTION 3532**

1 **SECTION 3532.** 450.08 (2) (b) of the statutes is amended to read:

2 450.08 (2) (b) A pharmacy, manufacturer's or distributor's license may be
3 renewed by paying the applicable fee ~~specified under s. 440.08 (2) (a)~~ determined by
4 the department under s. 440.03 (9) (a) on or before the applicable renewal date
5 specified under s. 440.08 (2) (a).

6 **SECTION 3533.** 451.04 (4) of the statutes is amended to read:

7 451.04 (4) EXPIRATION AND RENEWAL. Renewal applications shall be submitted
8 to the department on a form provided by the department on or before the applicable
9 renewal date specified under s. 440.08 (2) (a) and shall include the applicable
10 renewal fee ~~specified under s. 440.08 (2) (a)~~ determined by the department under s.
11 440.03 (9) (a).

12 **SECTION 3534.** 452.025 (1) (c) of the statutes is amended to read:

13 452.025 (1) (c) Each application for registration as a time-share salesperson
14 shall be accompanied by an initial credential fee specified in s. 440.05 (1) determined
15 by the department under s. 440.03 (9) (a) or the applicable renewal fee specified
16 under s. 440.08 (2) (a) determined by the department under s. 440.03 (9) (a),
17 whichever is appropriate.

18 **SECTION 3535.** 452.025 (5) (b) of the statutes is amended to read:

19 452.025 (5) (b) An application to renew a certificate of registration granted
20 under this section shall be submitted with the applicable renewal fee ~~specified under~~
21 s. 440.08 (2) (a) determined by the department under s. 440.03 (9) (a) on or before the
22 applicable renewal date specified under s. 440.08 (2) (a).

23 **SECTION 3536.** 452.10 (3) of the statutes is amended to read:

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1 452.10 (3) The fees for examinations and licenses granted ~~or renewed~~ under
2 this chapter are specified under ~~ss. s. 440.05, and 440.08~~ the renewal fee for such
3 licenses is determined by the department under s. 440.03 (9) (a).

4 **SECTION 3537.** 452.12 (2) (c) of the statutes is amended to read:

5 452.12 (2) (c) Application for a business entity license shall be made on forms
6 prescribed by the department, listing the names and addresses of all business
7 representatives, and shall be accompanied by the initial credential fee specified in
8 s. 440.05 (1) determined by the department under s. 440.03 (9) (a). If there is a
9 change in any of the business representatives, the change shall be reported to the
10 department, on the same form, within 30 days after the effective date of the change.

11 **SECTION 3538.** 452.12 (5) (a) of the statutes is amended to read:

12 452.12 (5) (a) Renewal applications for all licenses shall be submitted with the
13 applicable renewal fee ~~specified under s. 440.08 (2) (a)~~ determined by the department
14 under s. 440.03 (9) (a) on or before the applicable renewal date specified under s.
15 440.08 (2) (a).

16 **SECTION 3539.** 452.12 (6) (e) 1. of the statutes is amended to read:

17 452.12 (6) (e) 1. If a person has registered as an inactive licensee before
18 November 1, 1990, the department shall reinstate the person's original license if that
19 person applies to the department for reinstatement of his or her original license, pays
20 the fees fee specified under s. 440.05 (1) ~~(a) and (b)~~, passes an examination under s.
21 452.09 (3) and completes the education requirements established by the department
22 under par. (f).

23 **SECTION 3540.** 452.12 (6) (e) 2. of the statutes is amended to read:

24 452.12 (6) (e) 2. If a person has registered as an inactive licensee on or after
25 November 1, 1990, the department shall reinstate the person's original license if that

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1 person applies to the department for reinstatement of his or her original license, pays
2 the renewal fee ~~specified under s. 440.08 (2) (a)~~ determined by the department under
3 s. 440.03 (9) (a) for the original license and completes 12 hours of continuing
4 education as established by the department under par. (f). A person who is eligible
5 for reinstatement of his or her original license under this subdivision shall complete
6 the requirements for reinstatement under this subdivision before January 1, 1996,
7 or within 5 years after the date on which the person registered as an inactive licensee,
8 whichever is later.

9 **SECTION 3541.** 453.062 (1) of the statutes is amended to read:

10 453.062 (1) RENEWAL. The renewal dates ~~and renewal fees~~ for veterinary
11 licenses and veterinary technician certifications are specified under s. 440.08 (2) (a),
12 and the renewal fees for such licenses and certifications are determined by the
13 department under s. 440.03 (9) (a).

14 **SECTION 3542.** 454.06 (1) (a) of the statutes is amended to read:

15 454.06 (1) (a) The applicant pays the initial credential fee ~~specified in s. 440.05~~
16 ~~(1) determined by the department under s. 440.03 (9) (a)~~, except as provided in s.
17 454.13 (1).

18 **SECTION 3543.** 454.06 (8) of the statutes is amended to read:

19 454.06 (8) EXPIRATION AND RENEWAL. The renewal date ~~and renewal fee~~ for
20 licenses issued under subs. (2) to (6) are is specified under s. 440.08 (2) (a), and the
21 renewal fees for such licenses are determined by the department under s. 440.03 (9)
22 (a).

23 **SECTION 3544.** 454.08 (3) of the statutes is amended to read:

24 454.08 (3) The examining board shall issue an establishment license to any
25 person who pays the initial credential fee ~~specified in s. 440.05 (1)~~ determined by the

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1 department under s. 440.03 (9) (a) and who satisfies the requirements established
2 by the examining board by rule, including proof of ownership of the business. Any
3 change of ownership shall be reported to the examining board by the new owner
4 within 5 days after the change of ownership.

5 **SECTION 3545.** 454.08 (9) of the statutes is amended to read:

6 454.08 (9) The renewal date ~~and renewal fee~~ for licenses issued under this
7 section are is specified under s. 440.08 (2) (a), and the renewal fee for such licenses
8 is determined by the department under s. 440.03 (9) (a).

9 **SECTION 3546.** 455.06 of the statutes is amended to read:

10 **455.06 Renewals.** The renewal date ~~and renewal fee~~ for licenses issued under
11 s. 455.04 (1) and (4) are is specified under s. 440.08 (2) (a), and the renewal fee for
12 such licenses is determined by the department under s. 440.03 (9) (a). An applicant
13 for renewal of a license shall include with his or her application proof of completion
14 of continuing education programs or courses approved under s. 455.065 (4) for the
15 minimum number of hours required in the rules promulgated under s. 455.065 (1).

16 **SECTION 3547.** 455.07 (2) of the statutes is amended to read:

17 455.07 (2) The fee for renewal of a license under this chapter is ~~specified under~~
18 s. 440.08 (2) (a) determined by the department under s. 440.03 (9) (a).

19 **SECTION 3548.** 456.07 (2) of the statutes is amended to read:

20 456.07 (2) The application for a new certificate of registration shall include the
21 applicable renewal fee ~~specified under s. 440.08 (2) (a)~~ determined by the department
22 under s. 440.03 (9) (a) and evidence satisfactory to the examining board that during
23 the biennial period immediately preceding application for registration the applicant
24 has attended a continuation education program or course of study. During the time
25 between initial licensure and commencement of a full 2-year licensure period new

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1 licensees shall not be required to meet continuing education requirements. All
2 registration fees are payable on or before the applicable renewal date specified under
3 s. 440.08 (2) (a).

4 **SECTION 3549.** 457.20 (3) (a) of the statutes is amended to read:

5 457.20 (3) (a) The renewal fee ~~specified in s. 440.08 (2) (a)~~ determined by the
6 department under s. 440.03 (9) (a).

7 **SECTION 3550.** 458.11 of the statutes is amended to read:

8 **458.11 Expiration and renewal.** Renewal applications shall be submitted
9 to the department on a form provided by the department on or before the applicable
10 renewal date specified under s. 440.08 (2) (a) and shall include the applicable
11 renewal fee ~~specified under s. 440.08 (2) (a)~~ determined by the department under s.
12 440.03 (9) (a). Renewal of an appraiser certificate automatically renews the
13 individual's appraiser license without payment of the renewal fee for the appraiser
14 license or completion of any additional continuing education requirements that
15 would otherwise be required for renewal of the appraiser license. Renewal
16 applications shall be accompanied by proof of completion of the continuing education
17 requirements in s. 458.13. Notwithstanding s. 458.06 (3) (b) 2. and (4) (b) 2., 1989
18 stats., and s. 458.08 (3) (b) 2. and (c) 2., 1991 stats., the department may not renew
19 a certificate that was granted under s. 458.06 (3) or (4) before May 29, 1993, unless
20 the holder of the certificate submits evidence satisfactory to the department that he
21 or she has successfully completed the applicable educational requirements specified
22 in rules promulgated under s. 458.085 (1) and the department may not renew a
23 certificate that was granted under s. 458.08 (3) before May 29, 1993, unless the
24 holder of the certificate submits evidence satisfactory to the department that he or

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1 she has successfully completed the applicable education and experience
2 requirements specified in rules promulgated under s. 458.085 (1) and (2).

3 **SECTION 3551.** 459.09 (1) (a) of the statutes is amended to read:

4 459.09 (1) (a) Pay to the department the applicable renewal fee ~~specified under~~
5 ~~s. 440.08 (2) (a)~~ determined by the department under s. 440.03 (9) (a).

6 **SECTION 3552.** 459.24 (5) (a) of the statutes is amended to read:

7 459.24 (5) (a) The renewal fee ~~specified in s. 440.08 (2) (a)~~ determined by the
8 department under s. 440.03 (9) (a).

9 **SECTION 3553.** 460.07 (2) (a) of the statutes is amended to read:

10 460.07 (2) (a) The renewal fee ~~specified in s. 440.08 (2) (a)~~ determined by the
11 department under s. 440.03 (9) (a).

12 **SECTION 3554.** 470.045 (3) (a) of the statutes is amended to read:

13 470.045 (3) (a) A firm, partnership or corporation desiring a certificate of
14 authorization shall submit an application to the department on forms provided by
15 the department, listing the names and addresses of all officers and directors, and all
16 individuals in its employment licensed to practice professional geology, hydrology or
17 soil science in this state who will be in responsible charge of professional geology,
18 hydrology or soil science being practiced in this state through the firm, partnership
19 or corporation and other relevant information required by the appropriate section of
20 the examining board. A similar type of form shall also accompany the renewal fee.
21 If there is a change in any of these persons, the change shall be reported on the same
22 type of form, and filed with the department within 30 days after the effective date
23 of the change. The appropriate section of the examining board shall grant a
24 certificate of authorization to a firm, partnership or corporation complying with this
25 subsection upon payment of the initial credential fee ~~specified in s. 440.05 (1)~~

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1 determined by the department under s. 440.03 (9) (a). This subsection does not apply
2 to firms, partnerships or corporations exempt under s. 470.025 (3).

3 **SECTION 3555.** 470.045 (3) (b) of the statutes is amended to read:

4 470.045 (3) (b) The renewal date ~~and renewal fee~~ for certificates of
5 authorization under this section ~~are~~ is specified under s. 440.08 (2) (a), and the
6 renewal fee for such certificates is determined by the department under s. 440.03 (9)
7 (a).

8 **SECTION 3556.** 470.07 of the statutes is amended to read:

9 **470.07 Renewal of licenses.** The renewal dates for licenses granted under
10 this chapter are specified under s. 440.08 (2) (a). Renewal applications shall be
11 submitted to the department on a form provided by the department and shall include
12 the renewal fee ~~specified in s. 440.08 (2) (a)~~ determined by the department under s.
13 440.03 (9) (a) and evidence satisfactory to the appropriate section of the examining
14 board that the applicant has completed any continuing education requirements
15 specified in rules promulgated under s. 470.03 (2).

16 **SECTION 3557.** 480.08 (3) (b) of the statutes is amended to read:

17 480.08 (3) (b) Pays the initial credential fee ~~specified in s. 440.05 (1)~~ determined
18 by the department under s. 440.03 (9) (a).

19 **SECTION 3558.** 480.08 (5) of the statutes is amended to read:

20 480.08 (5) EXPIRATION AND RENEWAL. The renewal date ~~and renewal fee~~ for
21 certificates granted under this chapter, other than temporary certificates granted
22 under sub. (7), ~~are~~ is specified under s. 440.08 (2) (a), and the renewal fee for
23 certificates granted under this chapter, other than temporary certificates granted
24 under sub. (7), is determined by the department under s. 440.03 (9) (a). Renewal
25 applications shall include evidence satisfactory to the department that the applicant

SENATE BILL 40**SECTION 3558**

1 holds a current permit issued under s. 77.52 (9). A renewal application for an
2 auctioneer certificate shall be accompanied by proof of completion of continuing
3 education requirements under sub. (6).

4 **SECTION 3559.** 551.32 (1) (bm) 2. b. of the statutes is amended to read:

5 551.32 (1) (bm) 2. b. The division may disclose information under subd. 1. a.
6 to the department of ~~workforce development~~ children and families in accordance
7 with a memorandum of understanding under s. 49.857.

8 **SECTION 3560.** 551.32 (1) (bs) 1. of the statutes is amended to read:

9 551.32 (1) (bs) 1. If an applicant for the issuance or renewal of a license under
10 this section is an individual who does not have a social security number, the
11 applicant, as a condition of applying for or applying to renew the license, shall submit
12 a statement made or subscribed under oath or affirmation to the division that the
13 applicant does not have a social security number. The form of the statement shall
14 be prescribed by the department of ~~workforce development~~ children and families.

15 **SECTION 3561.** 551.34 (1m) (a) 3. of the statutes is amended to read:

16 551.34 (1m) (a) 3. The applicant is an individual who fails to comply, after
17 appropriate notice, with a subpoena or warrant issued by the department of
18 ~~workforce development~~ children and families or a county child support agency under
19 s. 59.53 (5) and related to paternity or child support proceedings or who is delinquent
20 in making court-ordered payments of child or family support, maintenance, birth
21 expenses, medical expenses or other expenses related to the support of a child or
22 former spouse, as provided in a memorandum of understanding entered into under
23 s. 49.857. An applicant whose application is denied under this subdivision for
24 delinquent payments is entitled to a notice and hearing under s. 49.857 but is not
25 entitled to any other notice or hearing under this section.

SENATE BILL 40**SECTION 3562**

1 **SECTION 3562.** 551.34 (1m) (b) of the statutes is amended to read:

2 551.34 **(1m)** (b) Unless s. 551.32 (1) (bs) 1. applies to the licensee, the division
3 shall restrict or suspend a license under this subchapter if the licensee is an
4 individual who fails to provide his or her social security number. The division shall
5 restrict or suspend a license under this subchapter if the licensee is an individual
6 who fails to comply, after appropriate notice, with a subpoena or warrant issued by
7 the department of ~~workforce development~~ children and families or a county child
8 support agency under s. 59.53 (5) and related to paternity or child support
9 proceedings or who is delinquent in making court-ordered payments of child or
10 family support, maintenance, birth expenses, medical expenses or other expenses
11 related to the support of a child or former spouse, as provided in a memorandum of
12 understanding entered into under s. 49.857. A licensee whose license is restricted
13 or suspended under this paragraph is entitled to a notice and hearing under s. 49.857
14 but is not entitled to any other notice or hearing under this section.

15 **SECTION 3563.** 551.52 (2) of the statutes is amended to read:

16 551.52 **(2)** Every applicant for an initial or renewal license under s. 551.32 shall
17 pay a filing fee of \$200 in the case of a broker-dealer or investment adviser and \$30
18 \$60 in the case of an agent representing a broker-dealer or issuer or an investment
19 adviser representative. Every federal covered adviser in this state that is required
20 to make a notice filing under s. 551.32 (1m) shall pay an initial or renewal notice
21 filing fee of \$200. A broker-dealer, investment adviser, or federal covered adviser
22 maintaining a branch office within this state shall pay an additional filing fee of \$30
23 for each branch office. When an application is denied, or an application or a notice
24 filing is withdrawn, the filing fee shall be retained.

25 **SECTION 3564.** 560.045 (1) of the statutes is amended to read:

SENATE BILL 40**SECTION 3564**

1 560.045 (1) To the extent allowed under federal law or regulation, the
2 department shall give priority in the awarding of grants under housing programs to
3 grants for projects related to the redevelopment of brownfields, as defined in s.
4 ~~560.60 (1v)~~ 560.13 (1) (a).

5 **SECTION 3565.** 560.126 of the statutes is created to read:

6 **560.126 Renewable energy grants and loans. (1)** The department may
7 award a grant or loan from the appropriation under s. 20.143 (1) (dg), (ie), or (tm) to
8 a business or researcher to fund the development of new technologies to increase
9 renewable fuel or energy production or to fund the commercialization of new
10 renewable fuel or energy technologies.

11 **(2)** A grant under this section may not exceed 50 percent of the costs of an
12 eligible project.

13 **(3)** The department may promulgate rules necessary to administer this
14 section, except that the department may not promulgate such rules unless the
15 department has consulted with the department of agriculture, trade and consumer
16 protection, the department of natural resources, and the public service commission.

17 **SECTION 3566.** 560.135 (5) (a) of the statutes is amended to read:

18 560.135 (5) (a) The factors under s. 560.605 ~~(2) (a) to (e)~~ (1) (j) to (n).

19 **SECTION 3567.** 560.135 (5) (b) of the statutes is amended to read:

20 560.135 (5) (b) Whether the project will be located in a targeted area, as
21 determined by the board after considering the factors under s. 560.605 ~~(2m) (a) to (h)~~
22 (2m) (a), (b), and (f) to (h).

23 **SECTION 3568.** 560.14 (1) (ar) of the statutes is amended to read:

24 560.14 (1) (ar) “Brownfields” has the meaning given in s. ~~560.60 (1v)~~ 560.13 (1)
25 (a).

SENATE BILL 40**SECTION 3569**

1 **SECTION 3569.** 560.145 of the statutes is repealed.

2 **SECTION 3570.** 560.147 of the statutes is repealed.

3 **SECTION 3571.** 560.15 (2) (d) of the statutes is repealed.

4 **SECTION 3572.** 560.16 of the statutes is repealed.

5 **SECTION 3573.** 560.17 (1) (am) of the statutes is amended to read:

6 560.17 (1) (am) “Brownfields” has the meaning given in s. ~~560.60 (1v)~~ 560.13
7 (1) (a).

8 **SECTION 3574.** 560.17 (1) (bm) of the statutes is amended to read:

9 560.17 (1) (bm) “Job” ~~has the meaning given in s. 560.60 (10)~~ means a position
10 providing full-time equivalent employment. “Job” does not include initial training
11 before an employment position begins.

12 **SECTION 3575.** 560.175 of the statutes is repealed.

13 **SECTION 3576.** 560.20 of the statutes is created to read:

14 **560.20 Wisconsin Venture Center. (1) (a)** The department shall organize
15 and assist in maintaining an emerging industries development corporation as a
16 nonstock, nonprofit corporation under ch. 181 for the purpose of facilitating the
17 raising of capital to promote and support emerging industries in the state. In
18 furtherance of its purpose, the corporation shall do all of the following:

19 1. Establish and implement programs to prepare entrepreneurs of emerging
20 industries for angel and venture capital investments.

21 2. Strategically match entrepreneurs of emerging industries with sources of
22 capital or management expertise or both.

23 3. Work with technology transfer offices of universities and colleges to facilitate
24 a match between entrepreneurs of emerging industries and sources of capital or
25 management expertise or both.

SENATE BILL 40**SECTION 3576**

1 4. Provide research and analysis services regarding emerging industries in this
2 state to prospective angel investors and venture capitalists.

3 5. Provide a venue for bringing together prospective angel investors and
4 venture capitalists with entrepreneurs of emerging industries.

5 (b) From the appropriation under s. 20.143 (1) (fi), the department shall make
6 the following grants:

7 1. In fiscal year 2007–08, a one–time grant of \$700,000 to the emerging
8 industries development corporation. No matching funds are required for the grant
9 under this subdivision, provided the grant is used by the corporation for start–up
10 capital and reasonable administrative expenses.

11 2. In fiscal year 2008–09 and each fiscal year thereafter, a grant of \$500,000
12 to the emerging industries development corporation. No matching funds are
13 required for the grants under this subdivision, provided the grants are used by the
14 corporation for operating expenses.

15 **(2)** (a) The emerging industries development corporation shall be governed by
16 a board of directors, consisting of the secretary or his or her designee, the secretary
17 of the department of financial institutions or his or her designee, and no more than
18 12 other members, one or more of whom represents each of the following categories:

19 1. Entrepreneurs in the state.

20 2. High–technology businesses in the state.

21 3. Research institutions in the state.

22 4. The state’s venture capital industry.

23 5. The state’s investment banking industry.

24 6. The state’s business development community.

SENATE BILL 40**SECTION 3576**

1 7. Professionals in the state who are experienced in providing services to
2 persons specified in subds. 1. to 6.

3 (b) The members who are representatives of the categories under par. (a) 1. to
4 7. shall serve 5–year terms. The initial members who are representatives of the
5 categories under par. (a) 1. to 7. shall be appointed by the governor. The emerging
6 industries development corporation, in its bylaws, shall specify the method for
7 electing new members who are representatives of the categories under par. (a) 1. to
8 7. and for filling vacancies.

9 **(3)** (a) The department may make a grant to the emerging industries
10 development corporation, from the appropriation under s. 20.143 (1) (fi), if all of the
11 following apply:

12 1. The corporation submits an expenditure plan to the department detailing
13 the proposed use of the grant proceeds and the secretary approves the plan.

14 2. The corporation enters into a written agreement with the department that
15 specifies the conditions for the use of the grant proceeds, including reporting and
16 auditing requirements.

17 3. The corporation provides matching funds equal to 50 percent of the grant
18 proceeds.

19 4. The corporation provides to the department information requested by the
20 department about private funding the corporation has received or will receive for the
21 purposes detailed in the expenditure plan under subd. 1.

22 5. The corporation agrees in writing to submit to the department the report
23 required under par. (b) by the time the report is required under par. (b).

SENATE BILL 40**SECTION 3576**

1 (b) If the corporation receives a grant under this subsection, the corporation
2 shall submit to the department, within 6 months after spending the full amount of
3 the grant, a report detailing how the grant proceeds were used.

4 (4) Annually, the emerging industries development corporation shall provide
5 a report on its activities to the governor.

6 (5) The assets transferred to, and the assets and liabilities of, the emerging
7 industries development corporation shall be separate from all other assets and
8 liabilities of the state, of all political subdivisions of the state, and of the department.
9 Neither the state, any political subdivision of the state, nor the department
10 guarantees any obligation of or has any obligation to the emerging industries
11 development corporation. Neither the state, any political subdivision of the state,
12 nor the department is liable for any debt or liability of the emerging industries
13 development corporation.

14 **SECTION 3577.** 560.204 of the statutes is created to read:

15 **560.204 Hardware and software used to maintain medical records. (1)**

16 The department shall implement a program to certify health care providers as
17 eligible for the electronic medical records credit under ss. 71.07 (5i), 71.28 (5i), and
18 71.47 (5i).

19 (2) If the department certifies a health care provider under sub. (1), the
20 department shall determine the amount of credits to allocate to the health care
21 provider. The total amount of electronic medical records credits allocated to health
22 care providers in any year may not exceed \$10,000,000.

23 (3) The department shall inform the department of revenue of every health
24 care provider certified under sub. (1) and the amount of credits allocated to the health
25 care provider.

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1 **(4)** The department, in consultation with the department of revenue, shall
2 promulgate rules to administer this section.

3 **SECTION 3578.** 560.205 (3) (d) of the statutes is amended to read:

4 560.205 **(3)** (d) *Rules.* The department of commerce, in consultation with the
5 department of revenue, shall promulgate rules to administer this section. The rules
6 shall further define “bona fide angel investment” for purposes of s. 71.07 (5d) (a) 1.
7 The rules shall limit the aggregate amount of tax credits under s. 71.07 (5d) that may
8 be claimed for investments in businesses certified under sub. (1) at \$3,000,000 per
9 calendar year for calendar years beginning after December 31, 2004.—The, and
10 \$5,500,000 per calendar year for calendar years beginning after December 31, 2007.
11 The rules shall also limit the aggregate amount of the tax credits under ss. 71.07 (5b),
12 71.28 (5b), and 71.47 (5b) that may be claimed for investments paid to fund managers
13 certified under sub. (2) at \$3,500,000 per calendar year for calendar years beginning
14 after December 31, 2004, and \$6,000,000 per calendar year for calendar years
15 beginning after December 31, 2007. The rules shall also provide that, for calendar
16 years beginning after December 31, 2007, no person may receive a credit under ss.
17 71.07 (5b) and (5d), 71.28 (5b), or 71.47 (5b) unless the person’s investment is kept
18 in a certified business, or with a certified fund manager, for no less than 3 years.

19 **SECTION 3579.** 560.251 of the statutes is created to read:

20 **560.251 Manufacturing technology grants.** **(1)** The department may
21 make a grant from the appropriation under s. 20.143 (1) (c) or (ie) to a
22 technology–based nonprofit organization, as defined in s. 560.25 (1) (d), to provide
23 funding to assist manufacturers in this state in the adoption of manufacturing
24 process improvements that result in the production of more goods of higher quality
25 with less effort if all of the following apply:

SENATE BILL 40**SECTION 3579**

1 (a) The technology-based nonprofit organization submits to the department a
2 plan detailing its proposed expenditures and performance measures related to the
3 project.

4 (b) The secretary approves the plan submitted under par. (a).

5 **(2)** The department may not award in a fiscal biennium more than \$1,500,000
6 in grants under this section.

7 **SECTION 3580.** 560.26 of the statutes is repealed.

8 **SECTION 3581.** 560.275 (4) (e) of the statutes is amended to read:

9 560.275 **(4)** (e) *Entrepreneurial and technology transfer grants.* The total
10 amount of grants under sub. (2) (e) may not exceed ~~\$500,000~~ \$600,000 in any fiscal
11 year.

12 **SECTION 3582.** 560.60 (1m) of the statutes is repealed.

13 **SECTION 3583.** 560.60 (1v) of the statutes is repealed.

14 **SECTION 3584.** 560.60 (3) of the statutes is repealed.

15 **SECTION 3585.** 560.60 (3m) of the statutes is created to read:

16 560.60 **(3m)** “Eligible activities” means any of the following:

17 (a) Capital financing.

18 (b) Worker training.

19 (c) Entrepreneurial development.

20 (d) Providing assistance to technology-based businesses or to businesses at a
21 foreign trade show or event.

22 (e) Promoting urban or regional economic development.

23 (f) Establishing revolving loan funds.

24 (g) Providing working capital.

25 (h) Promoting employee ownership through all of the following:

SENATE BILL 40**SECTION 3585**

1 1. Conducting feasibility studies to investigate the reorganization or new
2 incorporation of existing businesses as employee-owned businesses.

3 2. Implementing feasibility studies under subd. 1.

4 **SECTION 3586.** 560.60 (4) of the statutes is amended to read:

5 560.60 (4) “Eligible recipient” means a governing body or a person who is
6 eligible to receive a grant or loan under s. ~~560.62, a grant or loan under s. 560.63 or~~
7 ~~a grant or loan under s. 560.65~~ 560.61.

8 **SECTION 3587.** 560.60 (8) of the statutes is repealed.

9 **SECTION 3588.** 560.60 (10) of the statutes is repealed.

10 **SECTION 3589.** 560.60 (11) of the statutes is repealed.

11 **SECTION 3590.** 560.60 (13) of the statutes is repealed.

12 **SECTION 3591.** 560.60 (15) of the statutes is amended to read:

13 560.60 (15) “Small business” means a business ~~operating for profit~~, with 250
14 ~~or fewer~~ than 100 employees, including employees of any subsidiary or affiliated
15 organization.

16 **SECTION 3592.** 560.60 (17) of the statutes is repealed.

17 **SECTION 3593.** 560.60 (18m) of the statutes is repealed.

18 **SECTION 3594.** 560.605 (1) (intro.) of the statutes is amended to read:

19 560.605 (1) (intro.) The Upon receipt of an application by an eligible recipient,
20 the board may consider any of the following in determining whether to award a grant
21 or loan under s. 560.61 upon the receipt and consideration of an application by an
22 eligible recipient for a project under ss. 560.62 to 560.66, if the board determines all
23 of the following:

24 **SECTION 3595.** 560.605 (1) (a) of the statutes is amended to read:

25 560.605 (1) (a) The Whether the project serves a public purpose.

SENATE BILL 40**SECTION 3596**

1 **SECTION 3596.** 560.605 (1) (b) of the statutes is amended to read:

2 560.605 (1) (b) ~~The Whether the project will retain or increase employment in~~
3 this state.

4 **SECTION 3597.** 560.605 (1) (c) of the statutes is amended to read:

5 560.605 (1) (c) ~~The Whether the project is not likely to might not occur without~~
6 the grant or loan.

7 **SECTION 3598.** 560.605 (1) (d) of the statutes is amended to read:

8 560.605 (1) (d) ~~Financing Whether financing is unavailable available from any~~
9 ~~other another source on reasonably equivalent terms.~~

10 **SECTION 3599.** 560.605 (1) (e) of the statutes is amended to read:

11 560.605 (1) (e) ~~Except as provided in s. 560.68 (6), the eligible recipient~~
12 ~~receiving the grant or loan will contribute, from The extent to which the project will~~
13 ~~be financed with funds not provided by this state, not less than 25% of the cost of the~~
14 project.

15 **SECTION 3600.** 560.605 (1) (f) of the statutes is repealed.

16 **SECTION 3601.** 560.605 (1) (g) of the statutes is amended to read:

17 560.605 (1) (g) ~~Funds Whether funds from the grant or loan under s. 560.62,~~
18 ~~560.63, 560.65 or 560.66 will not be used to pay overhead costs, except as provided~~
19 ~~in s. 560.65 (1m) (b), or to replace funds from any other another source.~~

20 **SECTION 3602.** 560.605 (1) (h) of the statutes is amended to read:

21 560.605 (1) (h) ~~The Whether the project will not displace any workers in this~~
22 state.

23 **SECTION 3603.** 560.605 (1) (i) of the statutes is repealed.

24 **SECTION 3604.** 560.605 (1) (p) of the statutes is amended to read:

SENATE BILL 40**SECTION 3604**

1 560.605 (1) (p) For an ethanol production facility on which construction begins
2 after July 27, 2005, whether a competitive bidding process is used for the
3 construction of the ethanol production facility.

4 **SECTION 3605.** 560.605 (2) (intro.) of the statutes is repealed.

5 **SECTION 3606.** 560.605 (2) (a) of the statutes is renumbered 560.605 (1) (j).

6 **SECTION 3607.** 560.605 (2) (b) of the statutes is renumbered 560.605 (1) (k).

7 **SECTION 3608.** 560.605 (2) (c) of the statutes is renumbered 560.605 (1) (l).

8 **SECTION 3609.** 560.605 (2) (d) of the statutes is renumbered 560.605 (1) (m) and
9 amended to read:

10 560.605 (1) (m) The financial soundness of the business eligible recipient.

11 **SECTION 3610.** 560.605 (2) (e) of the statutes is renumbered 560.605 (1) (n).

12 **SECTION 3611.** 560.605 (2) (f) of the statutes is renumbered 560.605 (1) (o).

13 **SECTION 3612.** 560.605 (2m) (intro.) of the statutes is amended to read:

14 560.605 (2m) (intro.) When considering whether a project ~~under s. 560.62,~~
15 ~~560.63 or 560.66~~ will be located in a targeted area, the board shall may consider all
16 any of the following:

17 **SECTION 3613.** 560.605 (2m) (c) of the statutes is repealed.

18 **SECTION 3614.** 560.605 (2m) (d) of the statutes is repealed.

19 **SECTION 3615.** 560.605 (2m) (e) of the statutes is repealed.

20 **SECTION 3616.** 560.605 (4) of the statutes is repealed.

21 **SECTION 3617.** 560.605 (5) of the statutes is repealed.

22 **SECTION 3618.** 560.605 (5m) of the statutes is repealed.

23 **SECTION 3619.** 560.605 (6) of the statutes is repealed.

24 **SECTION 3620.** 560.607 (intro.) of the statutes is amended to read:

SENATE BILL 40**SECTION 3620**

1 **560.607 Miscellaneous and administrative expenditures.** (intro.) In
2 each biennium, the department may expend or encumber up to a total of 1% of the
3 moneys appropriated under s. 20.143 (1) (c) and (tm) for that biennium for any of the
4 following:

5 **SECTION 3621.** 560.607 (1) of the statutes is amended to read:

6 560.607 (1) Evaluations of proposed technical research projects ~~under s.~~
7 ~~560.62.~~

8 **SECTION 3622.** 560.61 (intro.) and (1) of the statutes are consolidated,
9 renumbered 560.61 and amended to read:

10 **560.61 Wisconsin development fund.** At the request of the board, the
11 department shall do all of the following: ~~(1) Make~~ may make a grant or loan to an
12 eligible recipient ~~for a project that meets the criteria for funding under s. 560.605 (1)~~
13 ~~and (2) and under s. 560.62, 560.63, 560.65 or 560.66, whichever is appropriate, from~~
14 ~~the appropriations under s. 20.143 (1) (c) and, (ie), and (tm) for eligible activities.~~

15 **SECTION 3623.** 560.61 (3) of the statutes is repealed.

16 **SECTION 3624.** 560.62 of the statutes is repealed.

17 **SECTION 3625.** 560.63 of the statutes is repealed.

18 **SECTION 3626.** 560.65 of the statutes is repealed.

19 **SECTION 3627.** 560.66 of the statutes is repealed.

20 **SECTION 3628.** 560.68 (1m) of the statutes is created to read:

21 560.68 (1m) The department shall establish criteria for the award of grants
22 and loans under s. 560.61, including the types of projects that are eligible for funding
23 and the types of eligible projects that will receive priority.

24 **SECTION 3629.** 560.68 (2m) of the statutes is created to read:

SENATE BILL 40**SECTION 3629**

1 560.68 (2m) The department shall determine conditions applicable to a grant
2 or loan under s. 560.61.

3 **SECTION 3630.** 560.68 (3) of the statutes is amended to read:

4 560.68 (3) The department may charge a grant or loan recipient an origination
5 fee of ~~up to~~ not more than 2% of the grant or loan amount if the grant or loan equals
6 or exceeds \$200,000 and is awarded under s. 560.63 or 560.66. The department shall
7 deposit all origination fees collected under this subsection in the appropriation
8 account under s. 20.143 (1) (gm).

9 **SECTION 3631.** 560.68 (5) of the statutes is renumbered 560.68 (5) (intro.) and
10 amended to read:

11 560.68 (5) (intro.) The department, with the approval of the board, shall
12 develop procedures ~~to evaluate~~ related to grants and loans under s. 560.61 for all of
13 the following:

14 (b) Evaluating applications, monitor.

15 (c) Monitoring project performance and audit.

16 (d) Auditing the grants and loans awarded under this subchapter.

17 **SECTION 3632.** 560.68 (5) (a) of the statutes is created to read:

18 560.68 (5) (a) Submitting applications for grants and loans.

19 **SECTION 3633.** 560.68 (6) of the statutes is amended to read:

20 560.68 (6) ~~If appropriate, the~~ The board may shall require that ~~more, as a~~
21 condition of a grant or loan, that a recipient contribute to a project an amount that
22 is not less than 25% of the cost of any project or category of projects be paid from funds
23 not provided by this state amount of the grant or loan.

24 **SECTION 3634.** 560.68 (7) (a) of the statutes is amended to read:

SENATE BILL 40**SECTION 3634**

1 560.68 (7) (a) Publish and disseminate information about the projects under
2 ~~ss. 560.62 to 560.66~~ that may be funded by a grant or loan under s. 560.61 and the
3 about procedures for applying for grants and loans under s. 560.61.

4 **SECTION 3635.** 560.795 (2) (a) of the statutes is amended to read:

5 560.795 (2) (a) Except as provided in par. (d), the designation of each area under
6 sub. (1) (a), (b), and (c) as a development opportunity zone shall be effective for 36
7 months, with the designation of the areas under sub. (1) (a) and (b) beginning on
8 April 23, 1994, and the designation of the area under sub. (1) (c) beginning on
9 April 28, 1995. Except as provided in par. (d), the designation of each area under sub.
10 (1) (d), and (e), and (f) as a development opportunity zone shall be effective for 84
11 months, with the designation of the area under sub. (1) (d) beginning on
12 January 1, 2000, and the ~~designations~~ designation of the areas area under sub. (1)
13 (e) and (f) beginning on September 1, 2001. Except as provided in par. (d), the
14 designation of the area under sub. (1) (f) as a development opportunity zone shall be
15 effective for 108 months, with the designation of the area under sub. (1) (f) beginning
16 on September 1, 2001.

17 **SECTION 3636.** 560.795 (2) (b) 6. of the statutes is amended to read:

18 560.795 (2) (b) 6. The limit for tax benefits for the development opportunity
19 zone under sub. (1) (f) is \$4,700,000 \$6,700,000.

20 **SECTION 3637.** 560.799 (6) (e) of the statutes is created to read:

21 560.799 (6) (e) The department shall determine the maximum amount of the
22 tax credits under ss. 71.07 (3w), 71.28 (3w), and 71.47 (3w) that a certified business
23 may claim and shall notify the department of revenue of this amount.

24 **SECTION 3638.** 560.799 (6) (f) of the statutes is created to read:

SENATE BILL 40**SECTION 3638**

1 560.799 **(6)** (f) The department shall annually verify the information submitted
2 to the department under ss. 71.07 (3w), 71.28 (3w), or 71.47 (3w).

3 **SECTION 3639.** 560.9806 (1) (a) 3. of the statutes is amended to read:

4 560.9806 **(1)** (a) 3. A community action agency under s. ~~46.30~~ 49.265.

5 **SECTION 3640.** 562.05 (1e) of the statutes is amended to read:

6 562.05 **(1e)** If an applicant for a license under this section is an individual who
7 does not have a social security number, the applicant shall submit to the department
8 with his or her application a statement made or subscribed under oath or affirmation
9 that the applicant does not have a social security number. The form of the statement
10 shall be prescribed by the department of ~~workforce development~~ children and
11 families. A license issued in reliance upon a false statement submitted under this
12 subsection is invalid.

13 **SECTION 3641.** 562.05 (5) (a) 9. of the statutes is amended to read:

14 562.05 **(5)** (a) 9. The person is delinquent in making court-ordered payments
15 of child or family support, maintenance, birth expenses, medical expenses or other
16 expenses related to the support of a child or former spouse, or fails to comply, after
17 appropriate notice, with a subpoena or warrant issued by the department of
18 ~~workforce development~~ children and families or a county child support agency under
19 s. 59.53 (5) and relating to paternity or child support proceedings, as provided in a
20 memorandum of understanding entered into under s. 49.857.

21 **SECTION 3642.** 562.05 (8) (d) of the statutes is amended to read:

22 562.05 **(8)** (d) If required in a memorandum of understanding entered into
23 under s. 49.857, the department shall suspend or restrict or not renew the license of
24 any person who is delinquent in making court-ordered payments of child or family
25 support, maintenance, birth expenses, medical expenses or other expenses related

SENATE BILL 40**SECTION 3642**

1 to the support of a child or former spouse or who has failed to comply, after
2 appropriate notice, with a subpoena or warrant issued by the department of
3 ~~workforce development~~ children and families or a county child support agency under
4 s. 59.53 (5) and relating to paternity or child support proceedings.

5 **SECTION 3643.** 562.05 (8m) (a) of the statutes is amended to read:

6 562.05 **(8m)** (a) If the applicant for any license is an individual, the department
7 shall disclose his or her social security number to the department of ~~workforce~~
8 ~~development~~ children and families for the purpose of administering s. 49.22 and to
9 the department of revenue for the purpose of requesting certifications under s.
10 73.0301.

11 **SECTION 3644.** 562.06 (3) of the statutes is amended to read:

12 562.06 **(3)** DAY CARE. Nothing in this section prohibits a licensee from operating
13 a day care area at a track if the day care area is licensed by the department of ~~health~~
14 ~~and family services~~ children and families under s. 48.65.

15 **SECTION 3645.** 563.28 (1) of the statutes is amended to read:

16 563.28 **(1)** If required in a memorandum of understanding entered into under
17 s. 49.857, the department shall suspend or restrict the supplier's license of any
18 person who is delinquent in making court-ordered payments of child or family
19 support, maintenance, birth expenses, medical expenses or other expenses related
20 to the support of a child or former spouse or who has failed to comply, after
21 appropriate notice, with a subpoena or warrant issued by the department of
22 ~~workforce development~~ children and families or a county child support agency under
23 s. 59.53 (5) and relating to paternity or child support proceedings.

24 **SECTION 3646.** 563.28 (2) of the statutes is amended to read:

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1 563.28 (2) The department shall disclose the social security number of any
2 applicant for a supplier's license to the department of ~~workforce development~~
3 children and families for the purpose of administering s. 49.22.

4 **SECTION 3647.** 565.01 (3g) of the statutes is created to read:

5 565.01 (3g) "Instant game" means a lottery game in which it may be
6 determined from the game ticket or share alone whether the holder of the ticket or
7 share is a game winner.

8 **SECTION 3648.** 565.30 (3) (a) of the statutes is repealed and recreated to read:

9 565.30 (3) (a) *Period to claim.* 1. Except as provided in subd. 2., the holder of
10 a winning ticket or share for an instant game may claim a prize within 180 days after
11 the end date of the game unless the features and procedures of the game state that
12 the prize may be claimed only on the date of, and at the place of, sale of the ticket or
13 share.

14 2. The holder of a winning ticket or share for a lottery game other than an
15 instant game or the holder of a winning ticket or share for an instant game that was
16 printed by a lottery terminal may claim a prize within 180 days after the date on
17 which the drawing for the game, or other selection process for determining the
18 winning ticket or share, is held.

19 3. A lottery prize that is not claimed within the time period described under
20 subd. 1. or 2., whichever is applicable, is forfeited.

21 **SECTION 3649.** 565.30 (5) of the statutes is amended to read:

22 565.30 (5) **WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS**
23 **OWED THE STATE.** The administrator shall report the name, address and social security
24 number or federal income tax number of each winner of a lottery prize equal to or
25 greater than \$1,000 and the name, address and social security number or federal

SENATE BILL 40**SECTION 3649**

1 income tax number of each person to whom a lottery prize equal to or greater than
2 \$1,000 has been assigned to the department of revenue to determine whether the
3 payee or assignee of the prize is delinquent in the payment of state taxes under ch.
4 71, 72, 76, 77, 78 or 139 or, if applicable, in the court-ordered payment of child
5 support or has a debt owing to the state. Upon receipt of a report under this
6 subsection, the department of revenue shall first ascertain based on certifications by
7 the department of workforce development or its designee under s. 49.855 (1) whether
8 any person named in the report is currently delinquent in court-ordered payment
9 of child support and shall next certify to the administrator whether any person
10 named in the report is delinquent in court-ordered payment of child support or
11 payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this certification by
12 the department of revenue or upon court order the administrator shall withhold the
13 certified amount and send it to the department of revenue for remittance to the
14 appropriate agency or person. ~~At the time of remittance, the~~ The department of
15 revenue shall charge its the winner or assignee of the lottery prize for the department
16 of revenue's administrative expenses associated with withholding and remitting to
17 the debt owed to a state agency that has received the remittance and may withhold
18 the amount of the administrative expenses from the prize payment. The
19 administrative expenses received or withheld by the department of revenue shall be
20 credited to the appropriation under s. 20.566 (1) (h). In instances in which the payee
21 or assignee of the prize is delinquent both in payments for state taxes and in
22 court-ordered payments of child support, or is delinquent in one or both of these
23 payments and has a debt owing to the state, the amount remitted to the appropriate
24 agency or person shall be in proportion to the prize amount as is the delinquency or
25 debt owed by the payee or assignee.

SENATE BILL 40**SECTION 3650**

1 **SECTION 3650.** 565.30 (5) of the statutes, as affected by 2007 Wisconsin Act ...
2 (this act), is amended to read:

3 **565.30 (5) WITHHOLDING OF DELINQUENT STATE TAXES, CHILD SUPPORT OR DEBTS**
4 **OWED THE STATE.** The administrator shall report the name, address and social security
5 number or federal income tax number of each winner of a lottery prize equal to or
6 greater than \$1,000 and the name, address and social security number or federal
7 income tax number of each person to whom a lottery prize equal to or greater than
8 \$1,000 has been assigned to the department of revenue to determine whether the
9 payee or assignee of the prize is delinquent in the payment of state taxes under ch.
10 71, 72, 76, 77, 78 or 139 or, if applicable, in the court-ordered payment of child
11 support or has a debt owing to the state. Upon receipt of a report under this
12 subsection, the department of revenue shall first ascertain based on certifications by
13 the department of ~~workforce development~~ children and families or its designee under
14 s. 49.855 (1) whether any person named in the report is currently delinquent in
15 court-ordered payment of child support and shall next certify to the administrator
16 whether any person named in the report is delinquent in court-ordered payment of
17 child support or payment of state taxes under ch. 71, 72, 76, 77, 78 or 139. Upon this
18 certification by the department of revenue or upon court order the administrator
19 shall withhold the certified amount and send it to the department of revenue for
20 remittance to the appropriate agency or person. The department of revenue shall
21 charge the winner or assignee of the lottery prize for the department of revenue's
22 administrative expenses associated with withholding and remitting debt owed to a
23 state agency and may withhold the amount of the administrative expenses from the
24 prize payment. The administrative expenses received or withheld by the department
25 of revenue shall be credited to the appropriation under s. 20.566 (1) (h). In instances

SENATE BILL 40**SECTION 3650**

1 in which the payee or assignee of the prize is delinquent both in payments for state
2 taxes and in court-ordered payments of child support, or is delinquent in one or both
3 of these payments and has a debt owing to the state, the amount remitted to the
4 appropriate agency or person shall be in proportion to the prize amount as is the
5 delinquency or debt owed by the payee or assignee.

6 **SECTION 3651.** 565.30 (5m) (a) of the statutes is amended to read:

7 565.30 (5m) (a) The administrator shall report to the department of workforce
8 development children and families the name, address and social security number of
9 each winner of a lottery prize that is payable in installments and the name, address
10 and social security number or federal income tax number of the person who has been
11 assigned a lottery prize that is payable in installments. Upon receipt of the report,
12 the department of workforce development children and families shall certify to the
13 administrator whether any payee or assignee named in the report is obligated to
14 provide child support, spousal support, maintenance or family support under s.
15 767.001 (1) (f) or (g), 767.225, 767.34, 767.511, 767.531, 767.56, 767.805 (4), 767.85,
16 767.863 (3), 767.89 (3), 767.893 (2m) or 948.22 (7) or ch. 769 and the amount required
17 to be withheld from the lottery prize under s. 767.75. Subject to par. (b), the
18 administrator shall withhold the certified amount from each payment made to the
19 winner or assignee and remit the certified amount to the department of workforce
20 development children and families.

21 **SECTION 3652.** 601.32 (1) of the statutes is amended to read:

22 601.32 (1) If the moneys credited to s. 20.145 (1) (g) 1. under other sections of
23 the statutes prove inadequate for the office's supervision of insurance industry
24 program, the commissioner may increase any or all of the fees imposed by s. 601.31,

SENATE BILL 40**SECTION 3652**

1 or may in any year levy a special assessment on all domestic insurers, or both, for the
2 general operation of that program.

3 **SECTION 3653.** 601.45 (3) of the statutes is amended to read:

4 601.45 (3) DEPOSIT. The commissioner may require any examinee, before or
5 from time to time during an examination, to deposit with the secretary of
6 administration such deposits as the commissioner deems necessary to pay the costs
7 of the examination. Any deposit and any payment made under subs. (1) and (2) shall
8 be credited to the appropriation account under s. 20.145 (1) (g) 1. in the percentage
9 specified in that ~~paragraph~~ subdivision.

10 **SECTION 3654.** 601.45 (4) of the statutes is amended to read:

11 601.45 (4) EXEMPTIONS. On the examinee's request or on the commissioner's
12 own motion, the commissioner may pay all or part of the costs of an examination from
13 the appropriation under s. 20.145 (1) (g) 1., whenever the commissioner finds that
14 because of the frequency of examinations or other factors, imposition of the costs
15 would place an unreasonable burden on the examinee. The commissioner shall
16 include in his or her annual report information about any instance in which the
17 commissioner applied this subsection.

18 **SECTION 3655.** 601.47 (1) of the statutes is amended to read:

19 601.47 (1) GENERAL. The commissioner may prepare books, pamphlets, and
20 other publications relating to insurance and sell them in the manner and at the
21 prices the commissioner determines. The cost of publication and distribution may
22 be paid from the appropriation under s. 20.145 (1) (g) 1.

23 **SECTION 3656.** 601.47 (3) of the statutes is amended to read:

24 601.47 (3) FREE DISTRIBUTION. The commissioner may furnish free copies of the
25 publications prepared under subs. (1) and (2) to public officers and libraries in this

SENATE BILL 40**SECTION 3656**

1 state and elsewhere. The cost of free distribution shall be charged to the
2 appropriation under s. 20.145 (1) (g) 1.

3 **SECTION 3657.** 601.48 (1) of the statutes is amended to read:

4 **601.48 (1) NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.** The
5 commissioner and the office of the commissioner shall maintain close relations with
6 the commissioners of other states and shall participate in the activities and affairs
7 of the National Association of Insurance Commissioners and other organizations so
8 far as it will, in the judgment of the commissioner, enhance the purposes of chs. 600
9 to 655. The actual and necessary expenses incurred thereby shall be reimbursed out
10 of the appropriation under s. 20.145 (1) (g) 1.

11 **SECTION 3658.** 601.62 (4) of the statutes is amended to read:

12 **601.62 (4) FEES IN INVESTIGATIONS AND HEARINGS.** The fees for stenographic
13 services in investigations, examinations, and hearings may not exceed the sum
14 provided for like services in the circuit court. The fees of officers, witnesses,
15 interpreters, and stenographers on behalf of the commissioner or the state shall be
16 paid by the secretary of administration, authorized by the certificate of the
17 commissioner, and shall be charged to the appropriation under s. 20.145 (1) (g) 1.

18 **SECTION 3659.** 604.04 (3) of the statutes is amended to read:

19 **604.04 (3) EXPENSES.** No full-time state officer or employee may receive
20 additional compensation for services under chs. 604 to 607. Appropriate portions of
21 the salaries of such persons who do work for the funds or supervise them, and other
22 expenses including reasonable charges for state-owned or state-rented office space
23 and the use of state-owned or state-rented office equipment shall be charged against
24 each fund. Each fund shall pay to the commissioner amounts charged for
25 organizational support services, which shall be credited to the appropriation account

SENATE BILL 40**SECTION 3659**

1 under s. 20.145 (1) (g) 2. Each fund shall also be charged a sum equivalent to the state
2 premium tax that would be paid by a domestic mutual insurer organized or operating
3 under ch. 611 and doing the same kind of insurance business, except that no such
4 charge shall be made for the insurance of governmental units.

5 **SECTION 3660.** 609.87 of the statutes is created to read:

6 **609.87 Coverage of treatment for autism spectrum disorders.** Defined
7 network plans are subject to s. 632.895 (15).

8 **SECTION 3661.** 628.095 (4) (a) of the statutes is amended to read:

9 628.095 (4) (a) The commissioner shall disclose a social security number
10 obtained under sub. (1) or (3) to the department of ~~workforce development~~ children
11 and families in the administration of s. 49.22, as provided in a memorandum of
12 understanding entered into under s. 49.857.

13 **SECTION 3662.** 628.095 (5) of the statutes is amended to read:

14 628.095 (5) IF APPLICANT OR INTERMEDIARY HAS NO SOCIAL SECURITY NUMBER. If an
15 applicant who is a natural person does not have a social security number, the
16 applicant shall provide to the commissioner, along with the application for a license
17 and on a form prescribed by the department of ~~workforce development~~ children and
18 families, a statement made or subscribed under oath or affirmation that the
19 applicant does not have a social security number. If an intermediary who is a natural
20 person does not have a social security number, the intermediary shall provide to the
21 commissioner, each time that the annual fee is paid under s. 601.31 (1) (m) and on
22 a form prescribed by the department of ~~workforce development~~ children and
23 families, a statement made or subscribed under oath or affirmation that the
24 applicant does not have a social security number.

25 **SECTION 3663.** 628.097 (1m) of the statutes is amended to read:

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1 **628.097 (1m)** FOR FAILURE TO PAY SUPPORT OR TO COMPLY WITH SUBPOENA OR
2 WARRANT. The commissioner shall refuse to issue to a natural person a license,
3 including a temporary license, under this subchapter if the natural person is
4 delinquent in court–ordered payments of child or family support, maintenance, birth
5 expenses, medical expenses or other expenses related to the support of a child or
6 former spouse, or if the natural person fails to comply, after appropriate notice, with
7 a subpoena or warrant issued by the department of ~~workforce development~~ children
8 and families or a county child support agency under s. 59.53 (5) and related to
9 paternity or child support proceedings, as provided in a memorandum of
10 understanding entered into under s. 49.857.

11 **SECTION 3664.** 628.10 (2) (c) of the statutes is amended to read:

12 **628.10 (2) (c)** *For failure to pay support or to comply with subpoena or warrant.*

13 The commissioner shall suspend or limit the license of an intermediary who is a
14 natural person, or a temporary license of a natural person under s. 628.09, if the
15 natural person is delinquent in court–ordered payments of child or family support,
16 maintenance, birth expenses, medical expenses or other expenses related to the
17 support of a child or former spouse, or if the natural person fails to comply, after
18 appropriate notice, with a subpoena or warrant issued by the department of
19 ~~workforce development~~ children and families or a county child support agency under
20 s. 59.53 (5) and related to paternity or child support proceedings, as provided in a
21 memorandum of understanding entered into under s. 49.857.

22 **SECTION 3665.** 631.37 (4) (e) of the statutes is amended to read:

23 **631.37 (4) (e)** *Motor vehicle liability policy.* Section 344.34 applies to motor
24 vehicle liability policies certified under s. 344.31 ~~and to policies certified under s.~~
25 ~~344.32.~~

SENATE BILL 40**SECTION 3666**

1 **SECTION 3666.** 632.48 (3) of the statutes is created to read:

2 **632.48 (3)** NOTICE OF CHANGES. An insurer that receives a request from the
3 department of health and family services under s. 49.47 (4) (cr) 2. for notification
4 shall comply with the request and notify the department of any changes to or
5 payments made under the annuity contract to which the request for notification
6 relates.

7 **SECTION 3667.** 632.68 (2) (b) 3m. of the statutes is amended to read:

8 **632.68 (2) (b) 3m.** If a natural person who does not have a social security
9 number, provides on a form prescribed by the department of ~~workforce development~~
10 children and families a statement made or subscribed under oath or affirmation that
11 the applicant does not have a social security number.

12 **SECTION 3668.** 632.68 (2) (bc) 1. of the statutes is amended to read:

13 **632.68 (2) (bc) 1.** The commissioner shall disclose a social security number
14 obtained under par. (b) to the department of ~~workforce development~~ children and
15 families in the administration of s. 49.22, as provided in a memorandum of
16 understanding entered into under s. 49.857.

17 **SECTION 3669.** 632.68 (2) (bm) 1. of the statutes is amended to read:

18 **632.68 (2) (bm) 1.** Notwithstanding par. (b), the commissioner may not issue
19 a license under this subsection to a natural person who is delinquent in
20 court-ordered payments of child or family support, maintenance, birth expenses,
21 medical expenses or other expenses related to the support of a child or former spouse,
22 or who fails to comply, after appropriate notice, with a subpoena or warrant issued
23 by the department of ~~workforce development~~ children and families or a county child
24 support agency under s. 59.53 (5) and related to paternity or child support

SENATE BILL 40**SECTION 3669**

1 proceedings, as provided in a memorandum of understanding entered into under s.
2 49.857.

3 **SECTION 3670.** 632.68 (2) (e) of the statutes is amended to read:

4 632.68 (2) (e) Except as provided in sub. (3), a license issued under this
5 subsection shall be renewed annually on July 1 upon payment of the fee specified in
6 s. 601.31 (1) (mp) and upon providing the licensee's social security number, unless
7 the licensee does not have a social security number, or federal employer
8 identification number, as applicable, if not previously provided on the application for
9 the license or at a previous renewal of the license. If the licensee is a natural person
10 who does not have a social security number, the license shall be renewed annually
11 on July 1 upon payment of the fee specified in s. 601.31 (1) (mp) and upon providing
12 to the commissioner a statement made or subscribed under oath or affirmation, on
13 a form prescribed by the department of ~~workforce development~~ children and
14 families, that the licensee does not have a social security number.

15 **SECTION 3671.** 632.68 (3) (b) 1. of the statutes is amended to read:

16 632.68 (3) (b) 1. The commissioner shall suspend, limit or refuse to renew a
17 viatical settlement provider license issued to a natural person if the natural person
18 is delinquent in court-ordered payments of child or family support, maintenance,
19 birth expenses, medical expenses or other expenses related to the support of a child
20 or former spouse, or if the natural person fails to comply, after appropriate notice,
21 with a subpoena or warrant issued by the department of ~~workforce development~~
22 children and families or a county child support agency under s. 59.53 (5) and related
23 to paternity or child support proceedings, as provided in a memorandum of
24 understanding entered into under s. 49.857.

25 **SECTION 3672.** 632.68 (4) (b) of the statutes is amended to read:

SENATE BILL 40**SECTION 3672**

1 632.68 (4) (b) A person may apply to the commissioner for a viatical settlement
2 broker license on a form prescribed by the commissioner for that purpose. The
3 application form shall require the applicant to provide the applicant's social security
4 number, if the applicant is a natural person unless the applicant does not have a
5 social security number, or the applicant's federal employer identification number, if
6 the applicant is not a natural person. The fee specified in s. 601.31 (1) (mr) shall
7 accompany the application. The commissioner may not issue a license under this
8 subsection unless the applicant provides his or her social security number, unless the
9 applicant does not have a social security number, or its federal employer
10 identification number, whichever is applicable. If the applicant is a natural person
11 who does not have a social security number, the commissioner may not issue a license
12 under this subsection unless the applicant provides, on a form prescribed by the
13 department of ~~workforce development~~ children and families, a statement made or
14 subscribed under oath or affirmation that the applicant does not have a social
15 security number.

16 **SECTION 3673.** 632.68 (4) (bc) 1. of the statutes is amended to read:

17 632.68 (4) (bc) 1. The commissioner shall disclose a social security number
18 obtained under par. (b) to the department of ~~workforce development~~ children and
19 families in the administration of s. 49.22, as provided in a memorandum of
20 understanding entered into under s. 49.857.

21 **SECTION 3674.** 632.68 (4) (bm) 1. of the statutes is amended to read:

22 632.68 (4) (bm) 1. The commissioner may not issue a license under this
23 subsection to a natural person who is delinquent in court-ordered payments of child
24 or family support, maintenance, birth expenses, medical expenses or other expenses
25 related to the support of a child or former spouse, or who fails to comply, after

SENATE BILL 40**SECTION 3674**

1 appropriate notice, with a subpoena or warrant issued by the department of
2 ~~workforce development~~ children and families or a county child support agency under
3 s. 59.53 (5) and related to paternity or child support proceedings, as provided in a
4 memorandum of understanding entered into under s. 49.857.

5 **SECTION 3675.** 632.68 (4) (c) of the statutes is amended to read:

6 632.68 (4) (c) Except as provided in sub. (5), a license issued under this
7 subsection shall be renewed annually on July 1 upon payment of the fee specified in
8 s. 601.31 (1) (ms) and upon providing the licensee's social security number, unless the
9 licensee does not have a social security number, or federal employer identification
10 number, as applicable, if not previously provided on the application for the license
11 or at a previous renewal of the license. If the licensee is a natural person who does
12 not have a social security number, the license shall be renewed annually, except as
13 provided in sub. (5), on July 1 upon payment of the fee specified in s. 601.31 (1) (ms)
14 and upon providing to the commissioner a statement made or subscribed under oath
15 or affirmation, on a form prescribed by the department of ~~workforce development~~
16 children and families, that the licensee does not have a social security number.

17 **SECTION 3676.** 632.68 (5) (b) 1. of the statutes is amended to read:

18 632.68 (5) (b) 1. The commissioner shall suspend, limit or refuse to renew a
19 viatical settlement broker license issued to a natural person if the natural person is
20 delinquent in court-ordered payments of child or family support, maintenance, birth
21 expenses, medical expenses or other expenses related to the support of a child or
22 former spouse, or if the natural person fails to comply, after appropriate notice, with
23 a subpoena or warrant issued by the department of ~~workforce development~~ children
24 and families or a county child support agency under s. 59.53 (5) and related to

SENATE BILL 40**SECTION 3676**

1 paternity or child support proceedings, as provided in a memorandum of
2 understanding entered into under s. 49.857.

3 **SECTION 3677.** 632.726 of the statutes is created to read:

4 **632.726 Current procedural terminology code changes.** (1) In this
5 section, “current procedural terminology code” means a number established by the
6 American Medical Association that a health care provider puts on a health insurance
7 claim form to describe the services that he or she performed.

8 (2) If an insurer changes a current procedural terminology code that was
9 submitted by a health care provider on a health insurance claim form, the insurer
10 shall include on the explanation of benefits form the reason for the change to the
11 current procedural terminology code and shall cite on the explanation of benefits
12 form the source for the change.

13 **SECTION 3678.** 632.745 (6) (a) 2m. of the statutes is amended to read:

14 632.745 (6) (a) 2m. A family long-term care district under s. 46.2895.

15 **SECTION 3679.** 632.746 (7m) (b) 1. of the statutes is amended to read:

16 632.746 (7m) (b) 1. The employee or dependent is eligible for benefits under the
17 Medical Assistance program under s. 49.471 or 49.472 or for coverage under the
18 Badger Care health care program under s. 49.665.

19 **SECTION 3680.** 632.857 of the statutes is created to read:

20 **632.857 Explanation required for restriction or termination of**
21 **coverage.** If an insurer restricts or terminates an insured’s coverage for the
22 treatment of a condition or complaint and, as a result, the insured becomes liable for
23 payment for all of his or her treatment for the condition or complaint, the insurer
24 shall provide on the explanation of benefits form a detailed explanation of the clinical

SENATE BILL 40**SECTION 3680**

1 rationale and of the basis in the policy, plan, or contract or in applicable law for the
2 insurer's restriction or termination of coverage.

3 **SECTION 3681.** 632.875 (2) (g) of the statutes is amended to read:

4 632.875 (2) (g) A reasonable detailed explanation of the ~~factual basis~~ clinical
5 rationale and of the basis in the policy, plan, or contract or in applicable law for the
6 insurer's restriction or termination of coverage.

7 **SECTION 3682.** 632.89 (1) (am) of the statutes is created to read:

8 632.89 (1) (am) "Consumer price index" means the consumer price index for all
9 urban consumers, U.S. city average, as determined by the U.S. department of labor.

10 **SECTION 3683.** 632.89 (2) (b) 1. of the statutes is amended to read:

11 632.89 (2) (b) 1. Except as provided in subd. 2., if a group or blanket disability
12 insurance policy issued by an insurer provides coverage of inpatient hospital
13 treatment or outpatient treatment or both, the policy shall provide coverage in every
14 policy year as provided in pars. (c) to (dm), as appropriate, except that the total
15 coverage under the policy for a policy year need not exceed \$7,000 \$20,250 or the
16 equivalent benefits measured in services rendered.

17 **SECTION 3684.** 632.89 (2) (c) 2. b. of the statutes is amended to read:

18 632.89 (2) (c) 2. b. ~~Seven thousand~~ Twenty thousand two hundred fifty dollars
19 minus any applicable cost sharing at the level charged under the policy for inpatient
20 hospital services or the equivalent benefits measured in services rendered or, if the
21 policy does not use cost sharing, ~~\$6,300~~ \$18,250 in equivalent benefits measured in
22 services rendered.

23 **SECTION 3685.** 632.89 (2) (d) 2. of the statutes is amended to read:

24 632.89 (2) (d) 2. Except as provided in par. (b), a policy under subd. 1. shall
25 provide coverage in every policy year for not less than ~~\$2,000~~ \$3,450 minus any

SENATE BILL 40**SECTION 3685**

1 applicable cost sharing at the level charged under the policy for outpatient services
2 or the equivalent benefits measured in services rendered or, if the policy does not use
3 cost sharing, ~~\$1,800~~ \$3,100 in equivalent benefits measured in services rendered.

4 **SECTION 3686.** 632.89 (2) (dm) 2. of the statutes is amended to read:

5 632.89 (2) (dm) 2. Except as provided in par. (b), a policy under subd. 1. shall
6 provide coverage in every policy year for not less than ~~\$3,000~~ \$5,200 minus any
7 applicable cost sharing at the level charged under the policy for transitional
8 treatment arrangements or the equivalent benefits measured in services rendered
9 or, if the policy does not use cost sharing, ~~\$2,700~~ \$4,650 in equivalent benefits
10 measured in services rendered.

11 **SECTION 3687.** 632.89 (2) (f) of the statutes is created to read:

12 632.89 (2) (f) *Report on coverage limits.* The department of health and family
13 services shall report annually to the governor and the legislature on revising the
14 coverage limits specified in this subsection based on the change in the consumer price
15 index for medical costs.

16 **SECTION 3688.** 632.895 (15) of the statutes is created to read:

17 632.895 (15) TREATMENT FOR AUTISM SPECTRUM DISORDERS. (a) In this subsection,
18 “autism spectrum disorder” means any of the following:

- 19 1. Autism disorder.
- 20 2. Asperger’s syndrome.
- 21 3. Pervasive developmental disorder not otherwise specified.

22 (b) 1. Subject to subd. 2., and except as provided in par. (d), every disability
23 insurance policy, and every self-insured health plan of the state or a county, city,
24 town, village, or school district, shall provide coverage for an insured of treatment
25 for an autism spectrum disorder if the treatment is provided by any of the following:

SENATE BILL 40**SECTION 3688**

1 a. A psychiatrist, as defined in s. 146.34 (1) (h).

2 b. A psychologist, as defined in s. 146.34 (1) (i).

3 c. A social worker, as defined in s. 252.15 (1) (er), who is certified or licensed
4 to practice psychotherapy, as defined in s. 457.01 (8m).

5 2. A disability insurance policy or self-insured health plan is not required to
6 cover the cost of more than 4 hours per month of the treatment specified in subd. 1.

7 (c) The coverage required under par. (b) may be subject to any limitations,
8 exclusions, and cost-sharing provisions that apply generally under the disability
9 insurance policy or self-insured health plan.

10 (d) This subsection does not apply to any of the following:

11 1. A disability insurance policy that covers only certain specified diseases.

12 2. A health care plan offered by a limited service health organization, as defined
13 in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not
14 a defined network plan, as defined in s. 609.01 (1b).

15 3. A long-term care insurance policy.

16 4. A medicare replacement policy or a medicare supplement policy.

17 **SECTION 3689.** 632.897 (10) (am) 2. of the statutes is amended to read:

18 632.897 (10) (am) 2. Provide family coverage under the group policy or
19 individual policy for the individual's child, if eligible for coverage, upon application
20 by the individual, the child's other parent, the department of ~~workforce development~~
21 children and families or the county child support agency under s. 59.53 (5).

22 **SECTION 3690.** 633.14 (1) (e) of the statutes is amended to read:

23 633.14 (1) (e) If an individual who does not have a social security number,
24 provides on a form prescribed by the department of ~~workforce development~~ children

SENATE BILL 40**SECTION 3690**

1 and families a statement made or subscribed under oath or affirmation that he or she
2 does not have a social security number.

3 **SECTION 3691.** 633.14 (2c) (a) of the statutes is amended to read:

4 633.14 (2c) (a) The commissioner shall disclose a social security number
5 obtained under sub. (1) (d) to the department of ~~workforce development~~ children and
6 families in the administration of s. 49.22, as provided in a memorandum of
7 understanding entered into under s. 49.857.

8 **SECTION 3692.** 633.14 (2m) (a) of the statutes is amended to read:

9 633.14 (2m) (a) Notwithstanding sub. (1), the commissioner may not issue a
10 license under this section if the individual applying for the license is delinquent in
11 court-ordered payments of child or family support, maintenance, birth expenses,
12 medical expenses or other expenses related to the support of a child or former spouse,
13 or if the individual fails to comply, after appropriate notice, with a subpoena or
14 warrant issued by the department of ~~workforce development~~ children and families
15 or a county child support agency under s. 59.53 (5) and related to paternity or child
16 support proceedings, as provided in a memorandum of understanding entered into
17 under s. 49.857.

18 **SECTION 3693.** 633.15 (1m) of the statutes is amended to read:

19 633.15 (1m) SOCIAL SECURITY NUMBER, FEDERAL EMPLOYER IDENTIFICATION
20 NUMBER OR STATEMENT. At an annual renewal, an administrator shall provide his or
21 her social security number, if the administrator is an individual unless he or she does
22 not have a social security number, or its federal employer identification number, if
23 the administrator is a corporation, limited liability company or partnership, if the
24 social security number or federal employer identification number was not previously
25 provided on the application for the license or at a previous renewal of the license. If

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1 an administrator who is an individual does not have a social security number, the
2 individual shall provide to the commissioner, at each annual renewal and on a form
3 prescribed by the department of ~~workforce development~~ children and families, a
4 statement made or subscribed under oath or affirmation that the administrator does
5 not have a social security number.

6 **SECTION 3694.** 633.15 (2) (c) of the statutes is amended to read:

7 633.15 (2) (c) *Failure to pay support or to comply with subpoena or warrant.*

8 The commissioner shall suspend, limit or refuse to renew a license issued under this
9 section to an individual if the individual is delinquent in court-ordered payments of
10 child or family support, maintenance, birth expenses, medical expenses or other
11 expenses related to the support of a child or former spouse, or if the individual fails
12 to comply, after appropriate notice, with a subpoena or warrant issued by the
13 department of ~~workforce development~~ children and families or a county child
14 support agency under s. 59.53 (5) and related to paternity or child support
15 proceedings, as provided in a memorandum of understanding entered into under s.
16 49.857.

17 **SECTION 3695.** 645.09 (2) (a) of the statutes is amended to read:

18 645.09 (2) (a) *Causes of delinquency.* The commissioner may include in his or
19 her annual report, not later than the 2nd annual report following the initiation of any
20 formal proceedings under this chapter, a detailed analysis of the basic causes and the
21 contributing factors making the initiation of formal proceedings necessary, and may
22 make recommendations for remedial legislation. For this purpose the commissioner
23 may appoint a special assistant qualified in insurance, finance, and accounting to
24 conduct the study and prepare the analysis, and may determine the special

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1 assistant's compensation, which shall be paid from the appropriation under s. 20.145
2 (1) (g) 1.

3 **SECTION 3696.** 645.09 (2) (b) of the statutes is amended to read:

4 645.09 (2) (b) *Final study.* The commissioner may include in his or her annual
5 report, not later than the 2nd annual report following discharge of the receiver, a
6 detailed study of the delinquency proceeding for each insurer subjected to a formal
7 proceeding, with an analysis of the problems faced and their solutions. The
8 commissioner may also suggest alternative solutions, as well as other material of
9 interest, for the purpose of assisting and guiding liquidators or rehabilitators in the
10 future. For this purpose the commissioner may appoint a special assistant qualified
11 to conduct the study and prepare the analysis, and may determine his or her
12 compensation, which shall be paid from the appropriation under s. 20.145 (1) (g) 1.

13 **SECTION 3697.** 645.46 (4) of the statutes is amended to read:

14 645.46 (4) Defray all expenses of taking possession of, conserving, conducting,
15 liquidating, disposing of, or otherwise dealing with the business and property of the
16 insurer. If the property of the insurer does not contain sufficient cash or liquid assets
17 to defray the costs incurred, the liquidator may advance the costs so incurred out of
18 the appropriation under s. 20.145 (1) (g) 1. Any amounts so paid shall be deemed
19 expense of administration and shall be repaid for the credit of the office of the
20 commissioner of insurance out of the first available moneys of the insurer.

21 **SECTION 3698.** 647.02 (2) (g) of the statutes is amended to read:

22 647.02 (2) (g) The figure to be used by the provider as the actual or projected
23 length of a resident's stay in the facility in the formula in the contract provision
24 required under s. 647.05 (9) (1m) (i) and supporting information showing how the
25 figure was determined.

SENATE BILL 40**SECTION 3699**

1 **SECTION 3699.** 647.04 (5) of the statutes is amended to read:

2 647.04 **(5)** Inform the commissioner of any change in the figure used by the
3 provider as the actual or projected length of a resident's stay in the facility in the
4 formula in the contract provision required under s. 647.05 (9) (1m) (i) within 30 days
5 after the change is made and submit supporting information showing how the
6 change was determined.

7 **SECTION 3700.** 647.05 of the statutes is renumbered 647.05 (1m), and 647.05
8 (1m) (g), as renumbered, is amended to read:

9 647.05 **(1m)** (g) Provides that if a resident dies or the continuing care contract
10 is terminated after the first 30 days of occupancy, but within the first 90 days of
11 occupancy, the provider will refund at least 90% of the amount computed under ~~sub.~~
12 ~~(6)~~ par. (f).

13 **SECTION 3701.** 647.05 (2m) of the statutes is created to read:

14 647.05 **(2m)** Subject to s. 49.455, a continuing care contract may require that,
15 before a resident applies for medical assistance, the resident must spend on his or
16 her care the resources declared for purposes of admission to the facility.

17 **SECTION 3702.** 655.27 (2) of the statutes is amended to read:

18 655.27 **(2)** FUND ADMINISTRATION AND OPERATION. Management of the fund shall
19 be vested with the board of governors. The commissioner shall either provide staff
20 services necessary for the operation of the fund or, with the approval of the board of
21 governors, contract for all or part of these services. Such a contract is subject to ss.
22 16.753 ~~and~~ 16.765, and 16.771, but is otherwise exempt from subch. IV of ch. 16. The
23 commissioner shall adopt rules governing the procedures for creating and
24 implementing these contracts before entering into the contracts. At least annually,
25 the contractor shall report to the commissioner and to the board of governors

SENATE BILL 40**SECTION 3702**

1 regarding all expenses incurred and subcontracting arrangements. If the board of
2 governors approves, the contractor may hire legal counsel as needed to provide staff
3 services. The cost of contracting for staff services shall be funded from the
4 appropriation under s. 20.145 (2) (u). The fund shall pay to the commissioner
5 amounts charged for organizational support services, which shall be credited to the
6 appropriation account under s. 20.145 (1) (g) 2.

7 **SECTION 3703.** 701.06 (5) (intro.) of the statutes is amended to read:

8 701.06 (5) CLAIMS FOR PUBLIC SUPPORT. (intro.) Notwithstanding any provision
9 in the creating instrument or subs. (1) and (2), if the settlor is legally obligated to pay
10 for the public support of a beneficiary under s. 46.10, 49.345, or 301.12 or the
11 beneficiary is legally obligated to pay for the beneficiary's public support or that
12 furnished the beneficiary's spouse or minor child under s. 46.10, 49.345, or 301.12,
13 upon application by the appropriate state department or county official, the court
14 may:

15 **SECTION 3704.** 751.15 (1) of the statutes is amended to read:

16 751.15 (1) The supreme court is requested to enter into a memorandum of
17 understanding with the department of ~~workforce development~~ children and families
18 under s. 49.857.

19 **SECTION 3705.** 751.15 (2) of the statutes is amended to read:

20 751.15 (2) The supreme court is requested to promulgate rules that require
21 each person who has a social security number, as a condition of membership in the
22 state bar, to provide the board of bar examiners with his or her social security
23 number, that require each person who does not have a social security number, as a
24 condition of membership in the state bar, to provide the board of bar examiners with
25 a statement made or subscribed under oath or affirmation on a form prescribed by

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1 the department of ~~workforce development~~ children and families that the person does
2 not have a social security number, and that prohibit the disclosure of that number
3 to any person except the department of ~~workforce development~~ children and families
4 for the purpose of administering s. 49.22.

5 **SECTION 3706.** 751.15 (3) of the statutes is amended to read:

6 751.15 (3) The supreme court is requested to promulgate rules that deny,
7 suspend, restrict or refuse to renew a license to practice law if the applicant or
8 licensee fails to provide the information required under rules promulgated under
9 sub. (2) or fails to comply, after appropriate notice, with a subpoena or warrant issued
10 by the department of ~~workforce development~~ children and families or a county child
11 support agency under s. 59.53 (5) and related to paternity or child support
12 proceedings or if the department of ~~workforce development~~ children and families
13 certifies that the applicant or licensee has failed to pay court-ordered payments of
14 child or family support, maintenance, birth expenses, medical expenses or other
15 expenses related to the support of a child or former spouse. The supreme court is also
16 requested to promulgate rules that invalidate a license to practice law if issued in
17 reliance upon a statement made or subscribed under oath or affirmation under rules
18 promulgated under sub. (2) that is false.

19 **SECTION 3707.** 757.05 (1) (a) of the statutes is amended to read:

20 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
21 state law or for a violation of a municipal or county ordinance except for a violation
22 of s. 101.123 (2) (a), (am) 1., (ar), (bm), (br), or (bv) or (5), or for a first violation of s.
23 23.33 (4c) (a) 2., 30.681 (1) (b) 1., 346.63 (1) (b), or 350.101 (1) (b), if the person who
24 committed the violation had a blood alcohol concentration of 0.08 or more but less
25 than 0.1 at the time of the violation, or for a violation of state laws or municipal or

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1 county ordinances involving nonmoving traffic violations, violations under s. 343.51
2 (1m) (b), or safety belt use violations under s. 347.48 (2m), there shall be imposed in
3 addition a penalty surcharge under ch. 814 in an amount of ~~26~~ 27 percent of the fine
4 or forfeiture imposed. If multiple offenses are involved, the penalty surcharge shall
5 be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture
6 is suspended in whole or in part, the penalty surcharge shall be reduced in proportion
7 to the suspension.

8 **SECTION 3708.** 758.19 (4m) of the statutes is created to read:

9 758.19 (4m) The director of state courts may establish and charge fees for use
10 of the circuit court automated information systems created under this section. The
11 secretary of administration shall credit all moneys collected under this subsection
12 to the appropriation account under s. 20.680 (2) (j).

13 **SECTION 3709.** 758.19 (5) (a) (intro.) of the statutes is amended to read:

14 758.19 (5) (a) (intro.) In this subsection, “circuit court costs” means one or more
15 of the following costs:

16 **SECTION 3710.** 758.19 (5) (a) 3. of the statutes is amended to read:

17 758.19 (5) (a) 3. Witness fees set under s. 814.67 (1) (b) 1. and (c) for witnesses
18 called by the circuit court on its own motion or called by, or subpoenaed at the request
19 of, a district attorney, the state public defender or a private attorney appointed under
20 s. 977.08. Nothing in this subdivision affects the determination of who is obligated
21 to pay for fees set under s. 814.67 (1) (b) 1. and (c) for witnesses called by, or
22 subpoenaed at the request of the state public defender or a private attorney
23 appointed under s. 977.08.

24 **SECTION 3711.** 758.19 (5) (a) 4m. of the statutes is amended to read:

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1 758.19 (5) (a) 4m. Fees for expert witnesses appointed under s. 907.06 by the
2 circuit court on its own motion or by the circuit court at the request of the district
3 attorney, the state public defender or a private attorney appointed under s. 977.08
4 or by the circuit court upon agreement of the district attorney, the state public
5 defender or a private attorney appointed under s. 977.08. Nothing in this subdivision
6 affects the determination of who is obligated to pay fees for an expert witness
7 appointed under s. 907.06.

8 **SECTION 3712.** 758.19 (5) (a) 5. of the statutes is amended to read:

9 758.19 (5) (a) 5. Fees for witnesses or expert witnesses subpoenaed by the
10 circuit court at the request of the district attorney, coroner or medical examiner
11 under s. 979.06 (1) and (2).

12 **SECTION 3713.** 758.19 (5) (a) 8. of the statutes is amended to read:

13 758.19 (5) (a) 8. Any other circuit court costs, except costs related to courtroom
14 security, including security personnel, and costs related to rent, utilities,
15 maintenance, rehabilitation and construction of circuit court facilities.

16 **SECTION 3714.** 758.19 (5) (am) of the statutes is created to read:

17 758.19 (5) (am) The director of state courts may create a uniform chart of
18 accounts that each county shall be required to use for the recording of all financial
19 transactions relating to the operation of circuit courts and may audit the information
20 submitted under par. (e).

21 **SECTION 3715.** 758.19 (5) (b) of the statutes is amended to read:

22 758.19 (5) (b) From the ~~appropriation~~ appropriations under s. 20.625 (1) (d) and
23 (g), the director of state courts shall make payments to counties totaling \$9,369,800
24 ~~within 30 days after October 29, 1999, and on every July 1 and January 1 thereafter,~~
25 which the director of state courts shall distribute as follows:

SENATE BILL 40**SECTION 3716**

1 **SECTION 3716.** 758.19 (5) (d) of the statutes is repealed.

2 **SECTION 3717.** 758.19 (5) (e) of the statutes is amended to read:

3 758.19 (5) (e) ~~No later than July 1, 1994, and no later than July 1~~ the first May
4 15 following the effective date of this paragraph [revisor inserts date], and no later
5 than May 15 of each year thereafter, each county shall submit to the director of state
6 courts, in a format that is established by the director of state courts, and in a manner
7 that comports with the uniform chart of accounts under par. (am), information
8 regarding the amount of actual circuit court costs that the county incurred in the
9 previous calendar year ~~for each of the court costs listed in par. (a) 1. to 8~~ and revenues
10 collected or received by the circuit court in the previous calendar year.

11 **SECTION 3718.** 758.19 (5) (f) of the statutes is amended to read:

12 758.19 (5) (f) A county that fails to meet the requirements under par. (e) is not
13 eligible for a payment under par. (b) for one fiscal year, as defined in s. 237.01 (3),
14 after the ~~July 1~~ May 15 that the information was not provided, or until the
15 information is provided, whichever is earlier. Except as provided in this paragraph
16 and par. (g), the information regarding the amount of actual costs reported under par.
17 (e) does not affect the amount paid to a county under par. (b).

18 **SECTION 3719.** 758.19 (5) (g) of the statutes is amended to read:

19 758.19 (5) (g) Beginning with the submittal of information under par. (e) on
20 July 1, 1995, if the director of state courts determines, based on the information
21 submitted under par. (e), that the payment made to a county under par. (b) for any
22 calendar year exceeds the circuit court costs incurred by the county for that calendar
23 year, the director of state courts shall deduct the difference from the next payment
24 under par. (b) made to that county after the director's determination. The difference
25 shall be apportioned as provided in par. (c) among the other counties for payment

SENATE BILL 40**SECTION 3719**

1 under par. (b) to the other counties on that payment date. For purposes of this
2 paragraph, the director of state courts shall treat the period beginning on August 13,
3 1993, and ending on December 31, 1994, as a calendar year and determine from the
4 information submitted under par. (e) on July 1, 1994, and July 1, 1995, whether the
5 payment to a county under par. (b) on January 1, 1994, exceeds the circuit court costs
6 incurred by the county for the period beginning on August 13, 1993, and ending on
7 December 31, 1994.

8 **SECTION 3720.** 767.001 (1d) of the statutes is amended to read:

9 767.001 (1d) “Department” means the department of ~~workforce development~~
10 children and families.

11 **SECTION 3721.** 767.001 (2) (b) of the statutes is amended to read:

12 767.001 (2) (b) With respect to the department of ~~health and family services~~
13 or a county agency specified in s. 48.56 (1) or a licensed child welfare agency granted
14 legal custody of a child, the rights and responsibilities specified under s. 48.02 (12).

15 **SECTION 3722.** 767.205 (2) (a) 3. of the statutes is amended to read:

16 767.205 (2) (a) 3. Whenever aid under s. ~~46.261~~, 48.57 (3m) or (3n), 48.645,
17 49.19₁, or 49.45 is provided on behalf of a dependent child or benefits are provided to
18 the child’s custodial parent under ss. 49.141 to 49.161.

19 **SECTION 3723.** 767.205 (2) (a) 4. of the statutes is amended to read:

20 767.205 (2) (a) 4. Whenever aid under s. ~~46.261~~, 48.57 (3m) or (3n), 48.645,
21 49.19₁, or 49.45 has, in the past, been provided on behalf of a dependent child, or
22 benefits have, in the past, been provided to the child’s custodial parent under ss.
23 49.141 to 49.161, and the child’s family is eligible for continuing child support
24 services under 45 CFR 302.33.

25 **SECTION 3724.** 767.217 (1) of the statutes is amended to read:

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1 767.217 **(1)** NOTICE OF PLEADING OR MOTION. In an action affecting the family in
2 which either party is a recipient of benefits under ss. 49.141 to 49.161 or aid under
3 s. ~~46.261~~, 48.645, 49.19, or 49.45, each party shall, either within 20 days after serving
4 the opposite party with a motion or pleading requesting the court to order or to
5 modify a previous order relating to child support, maintenance, or family support,
6 or before filing the motion or pleading in court, serve a copy of the motion or pleading
7 on the county child support agency under s. 59.53 (5) of the county in which the action
8 is begun.

9 **SECTION 3725.** 767.407 (1) (c) 1. of the statutes is amended to read:

10 767.407 **(1)** (c) 1. Aid is provided under s. ~~46.261~~, 48.57 (3m) or (3n), 48.645,
11 49.19, or 49.45 on behalf of the child, or benefits are provided to the child's custodial
12 parent under ss. 49.141 to 49.161, but the state and its delegate under s. 49.22 (7)
13 are barred by a statute of limitations from commencing an action under s. 767.80 on
14 behalf of the child.

15 **SECTION 3726.** 767.41 (3) (a) of the statutes is amended to read:

16 767.41 **(3)** (a) If the interest of any child demands it, and if the court finds that
17 neither parent is able to care for the child adequately or that neither parent is fit and
18 proper to have the care and custody of the child, the court may declare the child to
19 be in need of protection or services and transfer legal custody of the child to a relative
20 of the child, as defined in s. 48.02 (15), to a county department, as defined under s.
21 48.02 (2g), ~~or to a licensed child welfare agency, or, in a county having a population~~
22 of 500,000 or more, the department of health and family services. If the court
23 transfers legal custody of a child under this subsection, in its order the court shall
24 notify the parents of any applicable grounds for termination of parental rights under
25 s. 48.415. If the court transfers legal custody under this section to an agency, the

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1 court shall also refer the matter to the court intake worker, as defined in s. 48.02 (3),
2 who shall conduct an inquiry under s. 48.24 to determine whether a petition should
3 be filed under s. 48.13.

4 **SECTION 3727.** 767.41 (3) (a) of the statutes, as affected by 2007 Wisconsin Act
5 (this act), is amended to read:

6 767.41 (3) (a) If the interest of any child demands it, and if the court finds that
7 neither parent is able to care for the child adequately or that neither parent is fit and
8 proper to have the care and custody of the child, the court may declare the child to
9 be in need of protection or services and transfer legal custody of the child to a relative
10 of the child, as defined in s. 48.02 (15), to a county department, as defined under s.
11 48.02 (2g), to a licensed child welfare agency, or, in a county having a population of
12 500,000 or more, the department of health and family services children and families.
13 If the court transfers legal custody of a child under this subsection, in its order the
14 court shall notify the parents of any applicable grounds for termination of parental
15 rights under s. 48.415. If the court transfers legal custody under this section to an
16 agency, the court shall also refer the matter to the court intake worker, as defined in
17 s. 48.02 (3), who shall conduct an inquiry under s. 48.24 to determine whether a
18 petition should be filed under s. 48.13.

19 **SECTION 3728.** 767.41 (3) (am) of the statutes is created to read:

20 767.41 (3) (am) If the court transfers legal custody of a child under this
21 subsection, the order transferring custody shall include a finding that placement of
22 the child in his or her home would be contrary to the welfare of the child and a finding
23 that reasonable efforts have been made to prevent the removal of the child from the
24 home, while assuring that the health and safety of the child are the paramount
25 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.

SENATE BILL 40**SECTION 3728**

1 applies. If the legal custodian appointed under par. (a) is a county department, the
2 court shall order the child into the placement and care responsibility of the county
3 department as required under 42 USC 672 (a) (2) and shall assign the county
4 department primary responsibility for providing services to the child. The court
5 shall make the findings specified in this paragraph on a case-by-case basis based
6 on circumstances specific to the child and shall document or reference the specific
7 information on which those findings are based in the court order. A court order that
8 merely references this paragraph without documenting or referencing that specific
9 information in the court order or an amended court order that retroactively corrects
10 an earlier court order that does not comply with this paragraph is not sufficient to
11 comply with this paragraph.

12 **SECTION 3729.** 767.451 (7) of the statutes is amended to read:

13 767.451 (7) TRANSFER TO DEPARTMENT. The court may order custody transferred
14 to the department of health and family services only if that department agrees to
15 accept custody. If the court orders custody transferred to the department of health
16 and family services, the order transferring custody shall include the findings and
17 order specified in s. 767.41 (3) (am).

18 **SECTION 3730.** 767.451 (7) of the statutes, as affected by 2007 Wisconsin Act
19 (this act), is amended to read:

20 767.451 (7) TRANSFER TO DEPARTMENT. The court may order custody transferred
21 to the department of health and family services only if that the department agrees
22 to accept custody. If the court orders custody transferred to the department of health
23 and family services, the order transferring custody shall include the findings and
24 order specified in s. 767.41 (3) (am).

25 **SECTION 3731.** 767.521 (intro.) of the statutes is amended to read:

SENATE BILL 40**SECTION 3731**

1 **767.521 Action by state for child support.** (intro.) The state or its delegate
2 under s. 49.22 (7) shall bring an action for support of a minor child under s. 767.001
3 (1) (f) or for paternity determination and child support under s. 767.80 if the child's
4 right to support is assigned to the state under s. ~~46.261~~, 48.57 (3m) (b) 2. or (3n) (b)
5 2., 48.645 (3), 49.145 (2) (s), 49.19 (4) (h) 1. b., or 49.775 (2) (bm) and all of the
6 following apply:

7 **SECTION 3732.** 767.55 (3) (a) 2. of the statutes is amended to read:

8 767.55 (3) (a) 2. The child's right to support is assigned to the state under s.
9 ~~46.261 (3)~~, 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), or 49.19 (4) (h) 1. b.

10 **SECTION 3733.** 767.57 (1e) (title) of the statutes is amended to read:

11 767.57 (1e) (title) RECEIVING AND DISBURSING FEE FEES.

12 **SECTION 3734.** 767.57 (1e) (a) of the statutes is amended to read:

13 767.57 (1e) (a) For receiving and disbursing maintenance, child support, or
14 family support payments, including payments in arrears, and for maintaining the
15 records required under ~~par. (e)~~ sub. (1) (c), the department or its designee shall collect
16 an annual fee of \$35 \$65 from a party ordered to make payments. The court shall
17 order each party ordered to make payments to pay the fee in each year for which
18 payments are ordered or in which an arrearage in any of those payments is owed.
19 In directing the manner of payment, the court shall order that the fee be withheld
20 from income and sent to the department or its designee, as provided under s. 767.75.
21 Fees under this paragraph shall be deposited in the appropriation account under s.
22 20.445 (3) (ja). At the time of ordering payment of the fee, the court shall notify each
23 party ordered to make payments of the requirement to pay, and the amount of, the
24 fee. If the fee under this paragraph is not paid when due, the department or its

SENATE BILL 40**SECTION 3734**

1 designee may not deduct the fee from any maintenance, child or family support, or
2 arrearage payment, but may move the court for a remedial sanction under ch. 785.

3 **SECTION 3735.** 767.57 (1e) (a) of the statutes, as affected by 2007 Wisconsin Act
4 (this act), is amended to read:

5 767.57 **(1e)** (a) For receiving and disbursing maintenance, child support, or
6 family support payments, including payments in arrears, and for maintaining the
7 records required under sub. (1) (c), the department or its designee shall collect an
8 annual fee of \$65 from a party ordered to make payments. The court shall order each
9 party ordered to make payments to pay the fee in each year for which payments are
10 ordered or in which an arrearage in any of those payments is owed. In directing the
11 manner of payment, the court shall order that the fee be withheld from income and
12 sent to the department or its designee, as provided under s. 767.75. Fees under this
13 paragraph shall be deposited in the appropriation account under s. ~~20.445 (3)~~ 20.437
14 (2) (ja). At the time of ordering payment of the fee, the court shall notify each party
15 ordered to make payments of the requirement to pay, and the amount of, the fee. If
16 the fee under this paragraph is not paid when due, the department or its designee
17 may not deduct the fee from any maintenance, child or family support, or arrearage
18 payment, but may move the court for a remedial sanction under ch. 785.

19 **SECTION 3736.** 767.57 (1e) (b) 1m. of the statutes is amended to read:

20 767.57 **(1e)** (b) 1m. The department or its designee may collect any unpaid fees
21 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated
22 payment and collection system on December 31, 1998, and shall deposit all fees
23 collected under this subdivision in the appropriation account under s. ~~20.445 (3)~~
24 20.437 (2) (ja). The department or its designee may collect unpaid fees under this
25 subdivision through income withholding under s. 767.75 (2m). If the department or

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1 its designee determines that income withholding is inapplicable, ineffective, or
2 insufficient for the collection of any unpaid fees under this subdivision, the
3 department or its designee may move the court for a remedial sanction under ch. 785.
4 The department or its designee may contract with or employ a collection agency or
5 other person for the collection of any unpaid fees under this subdivision and,
6 notwithstanding s. 20.930, may contract with or employ an attorney to appear in any
7 action in state or federal court to enforce the payment obligation. The department
8 or its designee may not deduct the amount of unpaid fees from any maintenance,
9 child or family support, or arrearage payment.

10 **SECTION 3737.** 767.57 (1e) (c) of the statutes is created to read:

11 767.57 **(1e)** (c) The department or its designee shall collect an annual fee of \$25
12 from an individual receiving child support or family support payments. The fee shall
13 comply with all requirements under 42 USC 654 (6) (B). The department or its
14 designee may deduct the fee from maintenance, child or family support, or arrearage
15 payments. Fees collected under this paragraph shall be deposited in the
16 appropriation account under s. 20.445 (3) (ja).

17 **SECTION 3738.** 767.57 (1m) (c) of the statutes is amended to read:

18 767.57 **(1m)** (c) The party entitled to the support or maintenance money or a
19 minor child of the party has applied for or is receiving aid under s. ~~46.261~~ 48.645 or
20 public assistance under ch. 49 and there is an assignment to the state under s. ~~46.261~~
21 48.645 (3) or 49.19 (4) (h) 1. b. of the party's right to the support or maintenance
22 money.

23 **SECTION 3739.** 767.57 (2) of the statutes is amended to read:

24 767.57 **(2)** PROCEDURE IF RECIPIENT ON PUBLIC ASSISTANCE. If a party entitled to
25 maintenance or support, or both, is receiving public assistance under ch. 49, the

SENATE BILL 40**SECTION 3739**

1 party may assign the party's right to support or maintenance to the county
2 department under s. 46.215, 46.22, or 46.23 granting the assistance. The assignment
3 shall be approved by order of the court granting the maintenance or support. The
4 assignment may not be terminated if there is a delinquency in the amount to be paid
5 to the assignee of maintenance and support previously ordered without the written
6 consent of the assignee or upon notice to the assignee and a hearing. When an
7 assignment of maintenance or support, or both, has been approved by the order, the
8 assignee shall be deemed a real party in interest within s. 803.01 solely for the
9 purpose of securing payment of unpaid maintenance or support ordered to be paid,
10 by participating in proceedings to secure the payment of unpaid amounts.
11 Notwithstanding assignment under this subsection, and without further order of the
12 court, the department or its designee, upon receiving notice that a party or a minor
13 child of the parties is receiving aid under s. ~~46.261~~ 48.645 or public assistance under
14 ch. 49 or that a kinship care relative or long-term kinship care relative of the minor
15 child is receiving kinship care payments or long-term kinship care payments for the
16 minor child, shall forward all support assigned under s. ~~46.261(3)~~, 48.57 (3m) (b) 2.
17 or (3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19) to the assignee under s. ~~46.261~~
18 ~~(3)~~, 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or 49.45 (19).

19 **SECTION 3740.** 767.57 (4) of the statutes is amended to read:

20 767.57 (4) PROCEDURE FOR CERTAIN CHILD RECIPIENTS. If an order or judgment
21 providing for the support of one or more children not receiving aid under s. ~~46.261~~,
22 48.57 (3m) or (3n), 48.645, or 49.19 includes support for a minor who is the
23 beneficiary of aid under s. ~~46.261~~, 48.57 (3m) or (3n), 48.645, or 49.19, any support
24 payment made under the order or judgment is assigned to the state under s. ~~46.261~~
25 ~~(3)~~, 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), or 49.19 (4) (h) 1. b. in the amount that

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1 is the proportionate share of the minor receiving aid under s. ~~46.261~~, 48.57 (3m) or
2 (3n), 48.645, or 49.19, except as otherwise ordered by the court on the motion of a
3 party.

4 **SECTION 3741.** 767.59 (1c) (a) (intro.) of the statutes is amended to read:

5 767.59 (1c) (a) (intro.) On the petition, motion, or order to show cause of either
6 of the parties, the department, a county department under s. 46.215, 46.22, or 46.23,
7 or a county child support agency under s. 59.53 (5) if an assignment has been made
8 under s. ~~46.261~~, 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.19 (4) (h), or 49.45 (19)
9 or if either party or their minor children receive aid under s. 48.57 (3m) or (3n) or
10 48.645 or ch. 49, a court may, except as provided in par. (b), do any of the following:

11 **SECTION 3742.** 767.59 (1f) (b) 4. of the statutes is amended to read:

12 767.59 (1f) (b) 4. A difference between the amount of child support ordered by
13 the court to be paid by the payer and the amount that the payer would have been
14 required to pay based on the percentage standard established by the department
15 under s. 49.22 (9) if the court did not use the percentage standard in determining the
16 child support payments and did not provide the information required under s. 46.10
17 (14) (d), 49.345 (14) (d), 301.12 (14) (d), or 767.511 (1n), whichever is appropriate.

18 **SECTION 3743.** 767.59 (2) (c) of the statutes is amended to read:

19 767.59 (2) (c) If the court revises a judgment or order providing for child support
20 that was entered under s. 48.355 (2) (b) 4., 48.357 (5m) (a), 48.363 (2), 938.183 (4),
21 938.355 (2) (b) 4., 938.357 (5m) (a) or 938.363 (2), the court shall determine child
22 support in the manner provided in s. ~~46.10~~ 49.345 (14) or 301.12 (14), whichever is
23 applicable.

24 **SECTION 3744.** 767.59 (2s) of the statutes is amended to read:

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1 767.59 **(2s)** STIPULATION FOR REVISION OF SUPPORT. In an action under sub. (1c),
2 the court may not approve a stipulation for the revision of a judgment or order with
3 respect to an amount of child support or family support unless the stipulation
4 provides for payment of an amount of child support or family support that is
5 determined in the manner required under s. 46.10 (14), 49.345 (14), 301.12 (14),
6 767.511, 767.805 (4), or 767.89, whichever is appropriate.

7 **SECTION 3745.** 767.87 (2m) of the statutes is amended to read:

8 767.87 **(2m)** ADMISSIBILITY OF CERTAIN MEDICAL AND GENETIC INFORMATION.
9 Medical and genetic information filed with the department of ~~health and family~~
10 ~~services~~ or the court under s. 48.425 (1) (am) or (2) is not admissible to prove the
11 paternity of the child.

12 **SECTION 3746.** 767.87 (6) (a) of the statutes is amended to read:

13 767.87 **(6)** (a) Whenever the state brings the action to determine paternity
14 pursuant to an assignment under s. ~~46.261~~, 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3),
15 49.19 (4) (h) 1., or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157,
16 or 49.159, the natural mother of the child may not be compelled to testify about the
17 paternity of the child if it has been determined that the mother has good cause for
18 refusing to cooperate in establishing paternity as provided in 42 USC 602 (a) (26) (B)
19 and the federal regulations promulgated pursuant to this statute, as of July 1, 1981,
20 and pursuant to any rules promulgated by the department which define good cause
21 in accordance with the federal regulations, as authorized by 42 USC 602 (a) (26) (B)
22 in effect on July 1, 1981.

23 **SECTION 3747.** 769.201 (7) of the statutes is amended to read:

24 769.201 **(7)** The individual asserted parentage in a declaration of paternal
25 interest filed with the department of ~~health and family services~~ children and families

SENATE BILL 40**SECTION 3747**

1 under s. 48.025 or in a statement acknowledging paternity filed with the state
2 registrar under s. 69.15 (3) (b) 1. or 3.

3 **SECTION 3748.** 769.31 (1) of the statutes is amended to read:

4 769.31 (1) The department of ~~workforce development~~ children and families is
5 the state information agency under this chapter.

6 **SECTION 3749.** 800.02 (2) (b) of the statutes is amended to read:

7 800.02 (2) (b) Except for parking violations, in traffic regulation actions in
8 municipal court, the uniform traffic citation specified in s. 345.11 shall be used in lieu
9 of the citation form specified in par. (a). In actions for violations of local ordinances
10 enacted in accordance with s. 23.33 (11) (am) or 30.77, the citation form specified in
11 s. 23.54 shall be used in lieu of the citation form specified in par. (a).

12 **SECTION 3750.** 800.09 (1) (c) of the statutes is amended to read:

13 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
14 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
15 and costs are paid, if the defendant has not done so within 60 days after the date the
16 restitution or payments or both are to be made under par. (a) and has not notified the
17 court that he or she is unable to comply with the judgment, as provided under s.
18 800.095 (4) (a), except that the suspension period may not exceed 2 years. The court
19 ~~shall~~ may take possession of the suspended license ~~and shall.~~ If the court takes
20 possession of a license, it shall destroy the license. The court shall forward the
21 license, ~~along with~~ a notice of the suspension clearly stating that the suspension is
22 for failure to comply with a judgment of the court, to the department of
23 transportation. This paragraph does not apply if the forfeiture is assessed for
24 violation of an ordinance that is unrelated to the violator's operation of a motor
25 vehicle.

SENATE BILL 40**SECTION 3751**

1 **SECTION 3751.** 801.02 (1) of the statutes is amended to read:

2 801.02 (1) ~~A~~ Except as provided in s. 20.931 (5) (b), a civil action in which a
3 personal judgment is sought is commenced as to any defendant when a summons and
4 a complaint naming the person as defendant are filed with the court, provided service
5 of an authenticated copy of the summons and of the complaint is made upon the
6 defendant under this chapter within 90 days after filing.

7 **SECTION 3752.** 803.03 (2) (c) of the statutes is amended to read:

8 803.03 (2) (c) *Scheduling and pretrial conferences.* At the scheduling
9 conference and pretrial conference, the judge to whom the case has been assigned
10 shall inquire concerning the existence of and joinder of persons with subrogated,
11 derivative or assigned rights and shall make such orders as are necessary to
12 effectuate the purposes of this section. If the case is an action to recover damages
13 based on alleged criminally injurious conduct, the court shall inquire to see if an
14 award has been made under subch. I of ch. 949 and if the department of justice is
15 subrogated to the cause of action under s. 949.15.

16 **SECTION 3753.** 803.09 (1) and (2) of the statutes are amended to read:

17 803.09 (1) ~~Upon~~ Except as provided in s. 20.931, upon timely motion anyone
18 shall be permitted to intervene in an action when the movant claims an interest
19 relating to the property or transaction which is the subject of the action and the
20 movant is so situated that the disposition of the action may as a practical matter
21 impair or impede the movant's ability to protect that interest, unless the movant's
22 interest is adequately represented by existing parties.

23 (2) ~~Upon~~ Except as provided in s. 20.931, upon timely motion anyone may be
24 permitted to intervene in an action when a movant's claim or defense and the main
25 action have a question of law or fact in common. When a party to an action relies for

SENATE BILL 40**SECTION 3753**

1 ground of claim or defense upon any statute or executive order or rule administered
2 by a federal or state governmental officer or agency or upon any regulation, order,
3 rule, requirement or agreement issued or made pursuant to the statute or executive
4 order, the officer or agency upon timely motion may be permitted to intervene in the
5 action. In exercising its discretion the court shall consider whether the intervention
6 will unduly delay or prejudice the adjudication of the rights of the original parties.

7 **SECTION 3754.** 804.01 (2) (intro.) of the statutes is amended to read:

8 804.01 (2) SCOPE OF DISCOVERY. (intro.) Unless Except as provided in s. 20.931
9 (9), and unless otherwise limited by order of the court in accordance with the
10 provisions of this chapter, the scope of discovery is as follows:

11 **SECTION 3755.** 805.04 (1) of the statutes is amended to read:

12 805.04 (1) BY PLAINTIFF; BY STIPULATION. An Except as provided in sub. (2m), an
13 action may be dismissed by the plaintiff without order of court by serving and filing
14 a notice of dismissal at any time before service by an adverse party of responsive
15 pleading or motion or by the filing of a stipulation of dismissal signed by all parties
16 who have appeared in the action. Unless otherwise stated in the notice of dismissal
17 or stipulation, the dismissal is not on the merits, except that a notice of dismissal
18 operates as an adjudication on the merits when filed by a plaintiff who has once
19 dismissed in any court an action based on or including the same claim.

20 **SECTION 3756.** 805.04 (2m) of the statutes is created to read:

21 805.04 (2m) FALSE CLAIMS. An action filed under s. 20.931 may be dismissed
22 only by order of the court. In determining whether to dismiss the action filed under
23 s. 20.931, the court shall take into account the best interests of the parties and the
24 purposes of s. 20.931.

25 **SECTION 3757.** 806.025 (2) (am) of the statutes is amended to read:

SENATE BILL 40**SECTION 3757**

1 806.025 (2) (am) If money remains after the payment of all unpaid orders and
2 judgments under par. (a), order reimbursement to the department of justice for an
3 award made under subch. I of ch. 949 for which the department is subrogated under
4 s. 949.15.

5 **SECTION 3758.** 809.105 (13) of the statutes is amended to read:

6 809.105 (13) CERTAIN PERSONS BARRED FROM PROCEEDINGS. No parent, or
7 guardian or legal custodian, if one has been appointed, or foster parent or treatment
8 foster parent, if the minor has been placed in a foster home or treatment foster home,
9 and the minor's parent has signed a waiver granting the department of ~~health and~~
10 ~~family services~~ children and families, a county department under s. 46.215, 46.22,
11 or 46.23, the foster parent or the treatment foster parent the authority to consent to
12 medical services or treatment on behalf of the minor, or adult family member, as
13 defined in s. 48.375 (2) (b), of any minor who has initiated an appeal under this
14 section may attend or intervene in any proceeding under this section.

15 **SECTION 3759.** 809.30 (2) (d) of the statutes is amended to read:

16 809.30 (2) (d) *Indigency redetermination.* Except as provided in this
17 paragraph, whenever a person whose trial counsel is appointed by the state public
18 defender files a notice under par. (b) requesting public defender representation for
19 purposes of postconviction or postdisposition relief, the prosecutor may, within 5
20 days after the notice is served and filed, file in the circuit court and serve upon the
21 state public defender a request that the person's indigency be redetermined before
22 counsel is appointed or transcripts are requested. This paragraph does not apply to
23 a ~~child or juvenile~~ person who is entitled to be represented by counsel under s. 48.23,
24 51.60 (1), 55.105, or 938.23.

25 **SECTION 3760.** 813.12 (5) (b) of the statutes is amended to read:

SENATE BILL 40**SECTION 3760**

1 813.12 **(5)** (b) The clerk of circuit court shall provide the simplified forms
2 provided under s. ~~46.95~~ 49.165 (3) (c) to help a person file a petition.

3 **SECTION 3761.** 813.122 (6) (b) of the statutes is amended to read:

4 813.122 **(6)** (b) Upon request, the clerk of circuit court shall provide, without
5 cost, the simplified forms obtained under s. ~~46.03~~ 48.47 (7) (d) to a petitioner.

6 **SECTION 3762.** 814.245 (2) (d) of the statutes is amended to read:

7 814.245 **(2)** (d) “State agency” does not include the public intervenor or citizens
8 utility board.

9 **SECTION 3763.** 814.61 (13) of the statutes is amended to read:

10 814.61 **(13)** SUPPORT OR MAINTENANCE PETITION. For the cost of court services,
11 whenever a person not receiving benefits under s. 49.148 or 49.155 or aid under s.
12 49.19, 49.46, 49.465, 49.468 ~~or~~ 49.47, or 49.471 files a petition requesting child
13 support, maintenance or family support payments, \$10 in addition to any other fee
14 required under this section. This subsection does not apply to a petition filed by the
15 state or its delegate.

16 **SECTION 3764.** 814.69 (1) (a) of the statutes is amended to read:

17 814.69 **(1)** (a) For a transcript under SCR 71.04, a fee at the rate of \$1.50 per
18 25–line page for the original and 50 cents per 25–line page for the duplicate. Except
19 as provided in s. 967.06 (3), the fee shall be paid by the county treasurer upon the
20 certificate of the clerk of court.

21 **SECTION 3765.** 814.75 (22m) of the statutes is amended to read:

22 814.75 **(22m)** The supplemental food enforcement surcharge under s. ~~253.06~~
23 49.17 (4) (c).

24 **SECTION 3766.** 814.76 (15m) of the statutes is amended to read:

SENATE BILL 40**SECTION 3766**

1 814.76 **(15m)** The supplemental food enforcement surcharge under s. 253.06
2 49.17 (4) (c).

3 **SECTION 3767.** 814.80 (11) of the statutes is amended to read:

4 814.80 **(11)** The supplemental food enforcement surcharge under s. 253.06
5 49.17 (4) (c).

6 **SECTION 3768.** 859.07 (2) (a) (intro.) of the statutes is amended to read:

7 859.07 **(2)** (a) (intro.) The personal representative shall provide notice of the
8 date set under s. 859.01 to the department of health and family services, the
9 department of children and families, or the department of corrections, as applicable,
10 and to the county clerk of the decedent's county of residence, as defined in s. 49.001
11 (6) if, at any time prior to or at the time of the decedent's death, any of the following
12 applied:

13 **SECTION 3769.** 859.07 (2) (a) 2. of the statutes is amended to read:

14 859.07 **(2)** (a) 2. The decedent was responsible for any obligation owing to the
15 state or a county under s. 46.03 (18), 46.10, 48.36, 49.32 (1), 49.345, 301.03 (18),
16 301.12, or 938.36.

17 **SECTION 3770.** 859.15 of the statutes is amended to read:

18 **859.15 Effect of statute of limitations.** Except as provided in ss. 46.10 (11),
19 49.08 and, 49.195 (1), 49.345 (11), and 301.12 (11), a claim shall not be allowed ~~which~~
20 that was barred by any statute of limitations at the time of the decedent's death. A
21 claim shall not be barred by statutes of limitation ~~which~~ that was not barred at the
22 time of the decedent's death if the claim is filed against the decedent's estate in the
23 court on or before the deadline for filing a claim under s. 859.01.

24 **SECTION 3771.** 885.01 (5) of the statutes is amended to read:

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1 885.01 (5) By the department of ~~workforce development~~ children and families
2 or a county child support agency under s. 59.53 (5) in the administration of ss. 49.145,
3 49.19, 49.22, 49.46 and 49.47 and programs carrying out the purposes of 7 USC 2011
4 to 2029.

5 **SECTION 3772.** 885.01 (5) of the statutes, as affected by 2007 Wisconsin Act ...
6 (this act), is amended to read:

7 885.01 (5) By the department of children and families or a county child support
8 agency under s. 59.53 (5) in the administration of ss. 49.145, 49.19, 49.22, 49.46 and,
9 49.47, and 49.471 and programs carrying out the purposes of 7 USC 2011 to 2029.

10 **SECTION 3773.** 885.38 (3) (a) (intro.) of the statutes is amended to read:

11 885.38 (3) (a) (intro.) ~~In criminal proceedings and in proceedings under ch. 48,~~
12 ~~51, 55, or 938, if~~ If the court determines that the person has limited English
13 proficiency and that an interpreter is necessary, the court shall advise the person
14 that he or she has the right to a qualified interpreter ~~and that, if the person cannot~~
15 ~~afford one, an interpreter will be provided at the public's expense if the person is one~~
16 of the following:

17 **SECTION 3774.** 885.38 (8) (a) (intro.) of the statutes is amended to read:

18 885.38 (8) (a) (intro.) Except as provided in par. (b), the necessary expenses of
19 providing qualified interpreters to ~~indigent~~ persons with limited English proficiency
20 under this section shall be paid as follows:

21 **SECTION 3775.** 893.981 of the statutes is created to read:

22 **893.981 False claims.** An action or claim under s. 20.931 shall be commenced
23 within 10 years after the cause of the action or claim accrues or be barred.

24 **SECTION 3776.** 895.45 (1) (a) of the statutes is amended to read:

SENATE BILL 40**SECTION 3776**

1 895.45 (1) (a) “Abusive conduct” means domestic abuse, as defined under s.
2 ~~46.95~~ 49.165 (1) (a), 813.12 (1) (am), or 968.075 (1) (a), harassment, as defined under
3 s. 813.125 (1), sexual exploitation by a therapist under s. 940.22, sexual assault
4 under s. 940.225, child abuse, as defined under s. 813.122 (1) (a), or child abuse under
5 ss. 948.02 to 948.11.

6 **SECTION 3777.** 895.4803 of the statutes is amended to read:

7 **895.4803 Civil liability exemption; information concerning paternity.**

8 Any member of the staff of a hospital who is designated by the hospital and trained
9 by the department of ~~workforce development~~ children and families under s. 69.14 (1)
10 (cm) and who in good faith provides to a child’s available parents written information
11 that is provided by the department of ~~workforce development~~ children and families
12 and oral information or an audio or video presentation about the form that is
13 prescribed by the state registrar under s. 69.15 (3) (b) 3. and about the significance
14 and benefits of, and alternatives to, establishing paternity, under the requirements
15 of s. 69.14 (1) (cm), is immune from civil liability for his or her acts or omissions in
16 providing that oral information or audio or video presentation and written
17 information.

18 **SECTION 3778.** 895.485 (4) (a) of the statutes is amended to read:

19 895.485 (4) (a) The agency has failed to provide the foster, treatment foster, or
20 family-operated group home parent with any information relating to a medical,
21 physical, mental, or emotional condition of the child that it is required to disclose
22 under this paragraph. The department of ~~health and family services~~ children and
23 families shall promulgate rules specifying the kind of information that an agency
24 shall disclose to a foster, treatment foster, or family-operated group home parent
25 which relates to a medical, physical, mental, or emotional condition of the child.

SENATE BILL 40**SECTION 3779**

1 **SECTION 3779.** 905.15 (1) of the statutes is amended to read:

2 905.15 (1) An employee of the department of health and family services, the
3 department of ~~workforce development~~ children and families or a county department
4 under s. 46.215, 46.22 or 46.23 or a member of a governing body of a federally
5 recognized American Indian tribe who is authorized by federal law to have access to
6 or awareness of the federal tax return information of another in the performance of
7 duties under s. 49.19 or 49.45 or 7 USC 2011 to 2049 may claim privilege to refuse
8 to disclose the information and the source or method by which he or she received or
9 otherwise became aware of the information.

10 **SECTION 3780.** 938.02 (6) of the statutes is amended to read:

11 938.02 (6) “Foster home” means any facility that is operated by a person
12 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for
13 no more than 4 juveniles or, if necessary to enable a sibling group to remain together,
14 for no more than 6 juveniles or, if the department of ~~health and family services~~
15 children and families promulgates rules permitting a different number of juveniles,
16 for the number of juveniles permitted under those rules.

17 **SECTION 3781.** 938.02 (7) of the statutes is amended to read:

18 938.02 (7) “Group home” means any facility operated by a person required to
19 be licensed by the department of ~~health and family services~~ children and families
20 under s. 48.625 for the care and maintenance of 5 to 8 juveniles.

21 **SECTION 3782.** 938.02 (17) of the statutes is amended to read:

22 938.02 (17) “Shelter care facility” means a nonsecure place of temporary care
23 and physical custody for juveniles, including a holdover room, licensed by the
24 department of ~~health and family services~~ children and families under s. 48.66 (1) (a).

25 **SECTION 3783.** 938.06 (1) (b) of the statutes is amended to read:

SENATE BILL 40**SECTION 3783**

1 938.06 (1) (b) Notwithstanding par. (a), the county board of supervisors may
2 make changes in the administration of services to the children's court center in order
3 to qualify for the maximum amount of federal and state aid as provided in sub. (4)
4 and s. ss. 46.495 and 48.569.

5 **SECTION 3784.** 938.06 (4) of the statutes is amended to read:

6 938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related
7 court services under this section shall be at the same net effective rate that each
8 county is reimbursed for county administration under s. ~~46.495~~ 48.569, except as
9 provided in s. 301.26. Counties having a population of less than 500,000 may use
10 funds received under ss. ~~46.495~~ 48.569 (1) (d) and 301.26, including county or federal
11 revenue sharing funds allocated to match funds received under s. ~~46.495~~ 48.569 (1)
12 (d), for the cost of providing court attached intake services in amounts not to exceed
13 50% of the cost of providing court attached intake services or \$30,000 per county per
14 calendar year, whichever is less.

15 **SECTION 3785.** 938.17 (2) (d) 2. of the statutes is amended to read:

16 938.17 (2) (d) 2. If a court suspends a license or privilege under subd. 1., the
17 court shall immediately take possession of the applicable license ~~and forward it if~~
18 issued under ch. 29 or, if the license is issued under ch. 343, the court may take
19 possession of, and if possession is taken, shall destroy, the license. The court shall
20 forward to the department that issued the license, ~~together with the notice of~~
21 suspension stating that the suspension is for failure to pay a forfeiture imposed by
22 the court, together with any license issued under ch. 29 of which the court takes
23 possession. If the forfeiture is paid during the period of suspension, the court shall
24 immediately notify the department, which shall then, if the license is issued under
25 ch. 29, return the license to the person.

SENATE BILL 40**SECTION 3786**

1 **SECTION 3786.** 938.21 (5) (b) 1. of the statutes is renumbered 938.21 (5) (b) 1.

2 a. and amended to read:

3 938.21 (5) (b) 1. a. A finding that continued placement of the juvenile in his or
4 her home would be contrary to the welfare of the juvenile. ~~Unless the court finds that~~
5 ~~any of the circumstances specified in s. 938.355 (2d) (b) 1. to 4. applies, the order shall~~
6 ~~in addition include a-~~

7 b. A finding as to whether the person who took the juvenile into custody and
8 the intake worker have made reasonable efforts to prevent the removal of the
9 juvenile from the home, while assuring that the juvenile's health and safety are the
10 paramount concerns, and a- unless the court finds that any of the circumstances
11 specified in s. 938.355 (2d) (b) 1. to 4. applies.

12 c. A finding as to whether the person who took the juvenile into custody and
13 the intake worker have made reasonable efforts to make it possible for the juvenile
14 to return safely home.

15 1m. If for good cause shown sufficient information is not available for the court
16 to make a finding as to whether those reasonable efforts were made to prevent the
17 removal of the juvenile from the home, the order shall include while assuring that
18 the juvenile's health and safety are the paramount concerns, a finding as to whether
19 those reasonable efforts were made to make it possible for the juvenile to return
20 safely home and an order for the county department or agency primarily responsible
21 for providing services to the juvenile under the custody order to file with the court
22 sufficient information for the court to make a finding as to whether those reasonable
23 efforts were made to prevent the removal of the juvenile from the home by no later
24 than 5 days, excluding Saturdays, Sundays, and legal holidays, after the date of on
25 which the order is granted.

SENATE BILL 40**SECTION 3787**

1 **SECTION 3787.** 938.21 (5) (b) 1. d. of the statutes is created to read:

2 938.21 (5) (b) 1. d. If the juvenile is under the supervision of the county
3 department, an order ordering the juvenile into the placement and care
4 responsibility of the county department as required under 42 USC 672 (a) (2) and
5 assigning the county department primary responsibility for providing services to the
6 juvenile.

7 **SECTION 3788.** 938.21 (5) (c) of the statutes is amended to read:

8 938.21 (5) (c) The court shall make the findings specified in par. (b) 1., 1m., and
9 3. on a case–by–case basis based on circumstances specific to the juvenile and shall
10 document or reference the specific information on which those findings are based in
11 the custody order. A custody order that merely references par. (b) 1., 1m., or 3.
12 without documenting or referencing that specific information in the custody order
13 or an amended custody order that retroactively corrects an earlier custody order that
14 does not comply with this paragraph is not sufficient to comply with this paragraph.

15 **SECTION 3789.** 938.22 (1) (a) of the statutes is amended to read:

16 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of a
17 county may establish a juvenile detention facility in accordance with ss. 301.36 and
18 301.37 or the county boards of supervisors for 2 or more counties may jointly
19 establish a juvenile detention facility in accordance with ss. 46.20, 301.36, and
20 301.37. The county board of supervisors of a county may establish a shelter care
21 facility in accordance with ss. ~~46.16 and 46.17~~ 48.576 and 48.578 or the county boards
22 of supervisors for 2 or more counties may jointly establish a shelter care facility in
23 accordance with ss. ~~46.16, 46.17, and 46.20,~~ 48.576, and 48.578. A private entity may
24 establish a juvenile detention facility in accordance with ss. 301.36 and 301.37 and

SENATE BILL 40**SECTION 3789**

1 contract with one or more county boards of supervisors under s. 938.222 to hold
2 juveniles in the private juvenile detention facility.

3 **SECTION 3790.** 938.22 (2) (a) of the statutes is amended to read:

4 938.22 (2) (a) Counties shall submit plans for a juvenile detention facility or
5 juvenile portion of the county jail to the department of corrections and submit plans
6 for a shelter care facility to the department of ~~health and family services~~ children and
7 families. A private entity that proposes to establish a juvenile detention facility shall
8 submit plans for the facility to the department of corrections. The applicable
9 department shall review the submitted plans. A county or a private entity may not
10 implement a plan unless the applicable department has approved the plan. The
11 department of corrections shall promulgate rules establishing minimum
12 requirements for the approval and operation of juvenile detention facilities and the
13 juvenile portion of county jails. The plans and rules shall be designed to protect the
14 health, safety, and welfare of the juveniles placed in those facilities.

15 **SECTION 3791.** 938.22 (7) (a) of the statutes is amended to read:

16 938.22 (7) (a) No person may establish a shelter care facility without first
17 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to
18 operate a shelter care facility, a person must meet the minimum requirements for a
19 license established by the department of ~~health and family services~~ children and
20 families under s. 48.67, meet the requirements specified in s. 48.685, and pay the
21 license fee under par. (b). A license issued under s. 48.66 (1) (a) to operate a shelter
22 care facility is valid until revoked or suspended, but shall be reviewed every 2 years
23 as provided in s. 48.66 (5).

24 **SECTION 3792.** 938.22 (7) (b) of the statutes is amended to read:

SENATE BILL 40**SECTION 3792**

1 938.22 (7) (b) Before the department of health and family services children and
2 families may issue a license under s. 48.66 (1) (a) to operate a shelter care facility,
3 the shelter care facility shall pay to that department a biennial fee of \$60.50, plus
4 a biennial fee of \$18.15 per juvenile, based on the number of juveniles that the shelter
5 care facility is licensed to serve. A shelter care facility that wishes to continue a
6 license issued under s. 48.66 (1) (a) shall pay the fee by the continuation date of the
7 license. A new shelter care facility shall pay the fee by no later than 30 days before
8 the opening of the shelter care facility.

9 **SECTION 3793.** 938.235 (4) (b) of the statutes is amended to read:

10 938.235 (4) (b) The court shall order the agency identified under s. ~~938.355 (2)~~
11 ~~(b) 1.~~ 938.33 (1) (c) as primarily responsible for the provision of services to notify the
12 guardian ad litem, if any, regarding actions to be taken under par. (a).

13 **SECTION 3794.** 938.237 (1) (intro.) of the statutes is amended to read:

14 938.237 (1) ~~CITATION FORM~~ CITATIONS. (intro.) The A citation forms under s.
15 23.54, 66.0113, 778.25, 778.26₁, or 800.02 may be used to commence an action for a
16 violation of civil laws and ordinances in the court.

17 **SECTION 3795.** 938.30 (6) (b) of the statutes is amended to read:

18 938.30 (6) (b) If it appears to the court that disposition of the case may include
19 placement of the juvenile outside the juvenile's home, the court shall order the
20 juvenile's parent to provide a statement of the income, assets, debts, and living
21 expenses of the juvenile and the juvenile's parent to the court or the designated
22 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
23 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
24 provide, without charge, to any parent ordered to provide that statement a document
25 setting forth the percentage standard established by the department of workforce

SENATE BILL 40**SECTION 3795**

1 development children and families under s. 49.22 (9) and listing the factors that a
2 court may consider under s. 301.12 (14) (c).

3 **SECTION 3796.** 938.31 (7) (b) of the statutes is amended to read:

4 938.31 (7) (b) If it appears to the court that disposition of the case may include
5 placement of the juvenile outside the juvenile's home, the court shall order the
6 juvenile's parent to provide a statement of the income, assets, debts, and living
7 expenses of the juvenile and the juvenile's parent, to the court or the designated
8 agency under s. 938.33 (1) at least 5 days before the scheduled date of the
9 dispositional hearing or as otherwise ordered by the court. The clerk of court shall
10 provide, without charge, to any parent ordered to provide the statement a document
11 setting forth the percentage standard established by the department of workforce
12 development children and families under s. 49.22 (9) and listing the factors that a
13 court may consider under s. 301.12 (14) (c).

14 **SECTION 3797.** 938.315 (2m) (a) of the statutes is amended to read:

15 938.315 (2m) (a) The court making an initial finding under s. 938.21 (5) (b) 1.
16 or 1m., 938.355 (2) (b) 6., or 938.357 (2v) (a) 1. that reasonable efforts have been made
17 to prevent the removal of the juvenile from the home, while assuring that the
18 juvenile's health and safety are the paramount concerns, or an initial finding under
19 s. 938.21 (5) (b) 3., 938.355 (2) (b) 6r., or 938.357 (2v) (a) 3. that those efforts were not
20 required to be made because a circumstance specified in s. 938.355 (2d) (b) 1. to 4.
21 applies, more than 60 days after the date on which the juvenile was removed from
22 the home.

23 **SECTION 3798.** 938.32 (1) (c) 1. d. of the statutes is created to read:

24 938.32 (1) (c) 1. d. If the juvenile's placement or other living arrangement is
25 under the supervision of the county department, an order ordering the juvenile into

SENATE BILL 40**SECTION 3798**

1 the placement and care responsibility of the county department as required under
2 42 USC 672 (a) (2) and assigning the county department primary responsibility for
3 providing services to the juvenile.

4 **SECTION 3799.** 938.34 (8) of the statutes is amended to read:

5 938.34 (8) Impose a forfeiture based upon a determination that this disposition
6 is in the best interest of the juvenile and the juvenile's rehabilitation. The maximum
7 forfeiture that the court may impose under this subsection for a violation by a
8 juvenile is the maximum amount of the fine that may be imposed on an adult for
9 committing that violation or, if the violation is applicable only to a person under 18
10 years of age, \$100. The order shall include a finding that the juvenile alone is
11 financially able to pay the forfeiture and shall allow up to 12 months for payment.
12 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
13 other alternatives under this section; or the court may suspend any license issued
14 under ch. 29 for not less than 30 days nor more than 5 years, or suspend the juvenile's
15 operating privilege, as defined in s. 340.01 (40), for not more than 2 years. If the court
16 suspends any license under this subsection, the clerk of the court shall immediately
17 take possession of the suspended license and forward it if issued under ch. 29 or, if
18 the license is issued under ch. 343, the court may take possession of, and if possession
19 is taken, shall destroy, the license. The court shall forward to the department which
20 issued the license, ~~together with~~ a notice of suspension stating that the suspension
21 is for failure to pay a forfeiture imposed by the court, together with any license issued
22 under ch. 29 of which the court takes possession. If the forfeiture is paid during the
23 period of suspension, the suspension shall be reduced to the time period which has
24 already elapsed and the court shall immediately notify the department which shall
25 then, if the license is issued under ch. 29, return the license to the juvenile. Any

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1 recovery under this subsection shall be reduced by the amount recovered as a
2 forfeiture for the same act under s. 938.45 (1r) (b).

3 **SECTION 3800.** 938.34 (8d) (d) of the statutes is amended to read:

4 938.34 **(8d)** (d) If the juvenile fails to pay the surcharge under par. (a), the court
5 may vacate the surcharge and order other alternatives under this section, in
6 accordance with the conditions specified in this chapter; or the court may suspend
7 any license issued under ch. 29 for not less than 30 days nor more than 5 years, or
8 suspend the juvenile's operating privilege, as defined in s. 340.01 (40), for not less
9 than 30 days nor more than 5 years. If the court suspends any license under this
10 subsection, the clerk of the court shall immediately take possession of the suspended
11 license ~~and forward it~~ if issued under ch. 29 or, if the license is issued under ch. 343,
12 the court may take possession of, and if possession is taken, shall destroy, the license.
13 The court shall forward to the department which issued the license, ~~together with~~
14 a notice of suspension stating that the suspension is for failure to pay a surcharge
15 imposed by the court, together with any license issued under ch. 29 of which the court
16 takes possession. If the surcharge is paid during the period of suspension, the
17 suspension shall be reduced to the time period which has already elapsed and the
18 court shall immediately notify the department which shall then, if the license is
19 issued under ch. 29, return the license to the juvenile.

20 **SECTION 3801.** 938.34 (14m) of the statutes is amended to read:

21 938.34 **(14m)** Restrict or suspend the operating privilege, as defined in s.
22 340.01 (40), of a juvenile who is adjudicated delinquent under a violation of any law
23 in which a motor vehicle is involved. If the court suspends a juvenile's operating
24 privilege under this subsection, the court ~~shall immediately~~ may take possession of
25 the suspended license ~~and forward it.~~ If the court takes possession of a license, it

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1 shall destroy the license. The court shall forward to the department of
2 transportation ~~together with~~ a notice stating the reason for and duration of the
3 suspension. If the court limits a juvenile's operating privilege under this subsection,
4 the court shall immediately notify the department of transportation of that
5 limitation.

6 **SECTION 3802.** 938.34 (14r) (a) of the statutes is amended to read:

7 938.34 **(14r)** (a) In addition to any other dispositions imposed under this
8 section, if the juvenile is found to have violated ch. 961, the court shall suspend the
9 juvenile's operating privilege, as defined in s. 340.01 (40), for not less than 6 months
10 nor more than 5 years. The court ~~shall immediately~~ may take possession of any
11 suspended license ~~and forward it. If the court takes possession of a license, it shall~~
12 destroy the license. The court shall forward to the department of transportation
13 ~~together with~~ the notice of suspension stating that the suspension or revocation is
14 for a violation of ch. 961.

15 **SECTION 3803.** 938.342 (1g) (a) of the statutes is amended to read:

16 938.342 **(1g)** (a) Suspend the person's operating privilege, as defined in s.
17 340.01 (40), for not less than 30 days nor more than one year. The court shall
18 ~~immediately~~ may take possession of the suspended license ~~and forward it. If the~~
19 court takes possession of a license, it shall destroy the license. The court shall
20 forward to the department of transportation ~~together with~~ a notice stating the reason
21 for and duration of the suspension.

22 **SECTION 3804.** 938.343 (2) of the statutes is amended to read:

23 938.343 **(2)** FORFEITURE. Impose a forfeiture not to exceed the maximum
24 forfeiture that may be imposed on an adult for committing that violation or, if the
25 violation is only applicable to a person under 18 years of age, \$50. The order shall

SENATE BILL 40**SECTION 3804**

1 include a finding that the juvenile alone is financially able to pay and shall allow up
2 to 12 months for the payment. If a juvenile fails to pay the forfeiture, the court may
3 suspend any license issued under ch. 29 or suspend the juvenile's operating privilege,
4 as defined in s. 340.01 (40), for not more than 2 years. The court shall immediately
5 take possession of the suspended license ~~and forward it~~ if issued under ch. 29 or, if
6 the license is issued under ch. 343, the court may take possession of, and if possession
7 is taken, shall destroy, of the license. The court shall forward to the department
8 which issued the license, ~~together with~~ the notice of suspension stating that the
9 suspension is for failure to pay a forfeiture imposed by the court, together with any
10 license issued under ch. 29 of which the court takes possession. If the forfeiture is
11 paid during the period of suspension, the court shall immediately notify the
12 department, which shall, if the license is issued under ch. 29, return the license to
13 the person. Any recovery under this subsection shall be reduced by the amount
14 recovered as a forfeiture for the same act under s. 938.45 (1r) (b).

15 **SECTION 3805.** 938.344 (2e) (b) of the statutes is amended to read:

16 938.344 (2e) (b) Whenever a court suspends a juvenile's operating privilege
17 under this subsection, the court ~~shall immediately~~ may take possession of any
18 suspended license ~~and forward it.~~ If the court takes possession of a license, it shall
19 destroy the license. The court shall forward to the department of transportation,
20 ~~together with~~ the notice of suspension stating that the suspension is for a violation
21 under s. 961.573 (2), 961.574 (2) or 961.575 (2), or a local ordinance that strictly
22 conforms to one of those statutes.

23 **SECTION 3806.** 938.346 (1) (h) 3. of the statutes is amended to read:

24 938.346 (1) (h) 3. The right to compensation, as provided under subch. I of ch.
25 949.

SENATE BILL 40**SECTION 3807**

1 **SECTION 3807.** 938.355 (2) (b) 1. of the statutes is amended to read:

2 938.355 **(2)** (b) 1. The specific services ~~or continuum of services~~ to be provided
3 to the juvenile and the juvenile's family, ~~the identity of the agencies that are~~
4 ~~primarily responsible for the provision of the services, the identity of the person or~~
5 ~~agency that will provide case management or coordination of services, if any, and, if~~
6 custody is to be transferred to effect the treatment plan, the identity of the legal
7 custodian.

8 **SECTION 3808.** 938.355 (2) (b) 6g. of the statutes is created to read:

9 938.355 **(2)** (b) 6g. If the juvenile is placed outside the home under the
10 supervision of the county department, an order ordering the juvenile into the
11 placement and care responsibility of the county department as required under 42
12 USC 672 (a) (2) and assigning the county department primary responsibility for
13 providing services to the juvenile.

14 **SECTION 3809.** 938.355 (2b) of the statutes is amended to read:

15 938.355 **(2b)** CONCURRENT REASONABLE EFFORTS PERMITTED. A county
16 department or the agency primarily responsible for providing services to a juvenile
17 under a court order may, at the same time as the county department or agency is
18 making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal
19 of the juvenile from the home or to make it possible for the juvenile to return safely
20 to his or her home, work with the department of health and family services children
21 and families, a county department under s. 48.57 (1) (e) or (hm), or a child welfare
22 agency licensed under s. 48.61 (5) in making reasonable efforts to place the juvenile
23 for adoption, with a guardian, with a fit and willing relative, or in some other
24 alternative permanent placement.

25 **SECTION 3810.** 938.355 (6) (d) 1. of the statutes is amended to read:

SENATE BILL 40**SECTION 3810**

1 938.355 (6) (d) 1. Placement of the juvenile in a secure detention facility or
2 juvenile portion of a county jail that meets the standards promulgated by the
3 department by rule or in a place of nonsecure custody, for not more than 10 days and
4 the provision of educational services consistent with his or her current course of
5 study during the period of placement. The juvenile shall be given credit against the
6 period of detention or nonsecure custody imposed under this subdivision for all time
7 spent in secure detention in connection with the course of conduct for which the
8 detention or nonsecure custody was imposed. If the court orders placement of the
9 juvenile in a place of nonsecure custody under the supervision of the county
10 department, the court shall order the juvenile into the placement and care
11 responsibility of the county department as required under 42 USC 672 (a) (2) and
12 shall assign the county department primary responsibility for providing services to
13 the juvenile.

14 **SECTION 3811.** 938.355 (6) (d) 2. of the statutes is amended to read:

15 938.355 (6) (d) 2. Suspension of or limitation restriction on the use of the
16 juvenile's operating privilege, as defined under s. 340.01 (40), or of any approval
17 issued under ch. 29 for a period of not more than 3 years. If the juvenile does not hold
18 a valid operator's license under ch. 343, other than an instruction permit under s.
19 343.07 or a restricted license under s. 343.08, on the date of the order issued under
20 this subdivision, the court may order the suspension to begin on the date that the
21 operator's license would otherwise be reinstated or issued after the juvenile applies
22 and qualifies for issuance or 2 years after the date of the order issued under this
23 subdivision, whichever occurs first. If the court suspends the juvenile's operating
24 privileges or an approval issued under ch. 29, the court shall immediately take
25 possession of the suspended license or approval and forward it may take possession

SENATE BILL 40**SECTION 3811**

1 of, and if possession is taken, shall destroy, the suspended license. The court shall
2 forward to the department that issued it, ~~together with~~ the license or approval the
3 notice of suspension, together with any approval of which the court takes possession.

4 **SECTION 3812.** 938.355 (6m) (a) 1g. of the statutes is amended to read:

5 938.355 **(6m)** (a) 1g. Placement of the juvenile in a secure detention facility or
6 juvenile portion of a county jail that meets the standards promulgated by the
7 department by rule or in a place of nonsecure custody, for not more than 10 days and
8 the provision of educational services consistent with his or her current course of
9 study during the period of placement. The juvenile shall be given credit against the
10 period of detention or nonsecure custody imposed under this subdivision for all time
11 spent in secure detention in connection with the course of conduct for which the
12 detention or nonsecure custody was imposed. The use of placement in a secure
13 detention facility or in a juvenile portion of a county jail as a sanction under this
14 subdivision is subject to the adoption of a resolution by the county board of
15 supervisors under s. 938.06 (5) authorizing the use of those placements as a sanction.
16 If the court orders placement of the juvenile in a place of nonsecure custody under
17 the supervision of the county department, the court shall order the juvenile into the
18 placement and care responsibility of the county department as required under 42
19 USC 672 (a) (2) and shall assign the county department primary responsibility for
20 providing services to the juvenile.

21 **SECTION 3813.** 938.355 (6m) (a) 1m. of the statutes is amended to read:

22 938.355 **(6m)** (a) 1m. Suspension or limitation on the use of the juvenile's
23 operating privilege, as defined under s. 340.01 (40), or of any approval issued under
24 ch. 29 for not more than one year. If the juvenile does not hold a valid operator's
25 license under ch. 343, other than an instruction permit under s. 343.07 or a restricted

SENATE BILL 40**SECTION 3813**

1 license under s. 343.08, on the date of the order issued under this subdivision, the
2 court may order the suspension or limitation to begin on the date that the operator's
3 license would otherwise be reinstated or issued after the juvenile applies and
4 qualifies for issuance or 2 years after the date of the order issued under this
5 subdivision, whichever occurs first. If the court suspends a juvenile's operating
6 privilege or an approval issued under ch. 29, the court shall immediately take
7 possession of the suspended license or approval and forward it may take possession
8 of, and if possession is taken, shall destroy, the suspended license. The court shall
9 forward to the department that issued the license or approval with a notice stating
10 the reason for and the duration of the suspension, together with any approval of
11 which the court takes possession.

12 **SECTION 3814.** 938.357 (1) (am) 3. of the statutes is amended to read:

13 938.357 (1) (am) 3. If the court changes the juvenile's placement from a
14 placement outside the home to another placement outside the home, the change in
15 placement order shall contain ~~one of the statements~~ the applicable order under sub.
16 (2v) (a) 1m. and the applicable statement under sub. (2v) (a) 2.

17 **SECTION 3815.** 938.357 (1) (c) 3. of the statutes is amended to read:

18 938.357 (1) (c) 3. If the court changes the juvenile's placement from a placement
19 in the juvenile's home to a placement outside the juvenile's home, the change in
20 placement order shall contain the findings under sub. (2v) (a) 1., ~~one of the~~
21 ~~statements~~ the applicable order under sub. (2v) (a) 1m., the applicable statement
22 under sub. (2v) (a) 2., and, if in addition the court finds that any of the circumstances
23 under s. 938.355 (2d) (b) 1. to 4. applies with respect to a parent, the determination
24 under sub. (2v) (a) 3.

25 **SECTION 3816.** 938.357 (2m) (c) of the statutes is amended to read:

SENATE BILL 40**SECTION 3816**

1 938.357 **(2m)** (c) ~~*In-home to out-of-home placement; findings*~~ *Findings*
2 *required.* If the court changes the juvenile's placement from a placement in the
3 juvenile's home to a placement outside the juvenile's home, the change in placement
4 order shall contain the findings under sub. (2v) (a) 1., ~~one of the statements the~~
5 applicable order under sub. (2v) (a) 1m., the applicable statement under sub. (2v) (a)
6 2., and, if in addition the court finds that any of the circumstances under s. 938.355
7 (2d) (b) 1. to 4. applies with respect to a parent, the determination under sub. (2v)
8 (a) 3. If the court changes the juvenile's placement from a placement outside the
9 home to another placement outside the home, the change in placement order shall
10 contain the applicable order under sub. (2v) (a) 1m. and the applicable statement
11 under sub. (2v) (a) 2.

12 **SECTION 3817.** 938.357 (2v) (a) 1m. of the statutes is created to read:

13 938.357 **(2v)** (a) 1m. If the change in placement order changes the placement
14 of a juvenile who is under the supervision of the county department to a placement
15 outside the juvenile's home, whether from a placement in the home or from another
16 placement outside the home, an order ordering the juvenile into, or to be continued
17 in, the placement and care responsibility of the county department as required under
18 42 USC 672 (a) (2) and assigning the county department primary responsibility, or
19 continued primary responsibility, for providing services to the juvenile.

20 **SECTION 3818.** 938.357 (4) (a) of the statutes is amended to read:

21 938.357 **(4)** (a) When the juvenile is placed with the department, the
22 department may, after an examination under s. 938.50, place the juvenile in a
23 juvenile correctional facility or a secured residential care center for children and
24 youth or on aftercare supervision, either immediately or after a period of placement
25 in a juvenile correctional facility or a secured residential care center for children and

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1 youth. The department shall send written notice of the change in placement to the
2 parent, guardian, legal custodian, county department designated under s. 938.34
3 (4n), if any, and committing court. If the department places a juvenile in a Type 2
4 juvenile correctional facility operated by a child welfare agency, the department shall
5 reimburse the child welfare agency at the rate established under s. ~~46.037~~ 49.343
6 that is applicable to the type of placement that the child welfare agency is providing
7 for the juvenile. A juvenile who is placed in a Type 2 juvenile correctional facility or
8 a secured residential care center for children and youth remains under the
9 supervision of the department, remains subject to the rules and discipline of that
10 department, and is considered to be in custody, as defined in s. 946.42 (1) (a).

11 **SECTION 3819.** 938.357 (4) (b) 2. of the statutes is amended to read:

12 938.357 (4) (b) 2. If a juvenile whom the court has placed in a Type 2 residential
13 care center for children and youth under s. 938.34 (4d) violates a condition of his or
14 her placement in the Type 2 residential care center for children and youth, the child
15 welfare agency operating the Type 2 residential care center for children and youth
16 shall notify the county department that has supervision over the juvenile and, if the
17 county department agrees to a change in placement under this subdivision, the child
18 welfare agency shall notify the department, and the department, after consulting
19 with the child welfare agency, may place the juvenile in a Type 1 juvenile correctional
20 facility under the supervision of the department, without a hearing under sub. (1)
21 (am) 2., for not more than 10 days. If a juvenile is placed in a Type 1 juvenile
22 correctional facility under this subdivision, the county department that has
23 supervision over the juvenile shall reimburse the child welfare agency operating the
24 Type 2 residential care center for children and youth in which the juvenile was
25 placed at the rate established under s. ~~46.037~~ 49.343, and that child welfare agency

SENATE BILL 40**SECTION 3819**

1 shall reimburse the department at the rate specified in s. 301.26 (4) (d) 2. or 3.,
2 whichever is applicable, for the cost of the juvenile's care while placed in a Type 1
3 juvenile correctional facility.

4 **SECTION 3820.** 938.357 (4) (c) 1. of the statutes is amended to read:

5 938.357 (4) (c) 1. If a juvenile is placed in a Type 2 juvenile correctional facility
6 operated by a child welfare agency under par. (a) and it appears that a less restrictive
7 placement would be appropriate for the juvenile, the department, after consulting
8 with the child welfare agency that is operating the Type 2 juvenile correctional
9 facility, may place the juvenile in a less restrictive placement, and may return the
10 juvenile to the Type 2 juvenile correctional facility without a hearing under sub. (1)
11 (am) 2. The child welfare agency shall establish a rate for each type of placement in
12 the manner provided in s. ~~46.037~~ 49.343.

13 **SECTION 3821.** 938.357 (4) (c) 2. of the statutes is amended to read:

14 938.357 (4) (c) 2. If a juvenile is placed in a Type 2 residential care center for
15 children and youth under s. 938.34 (4d) and it appears that a less restrictive
16 placement would be appropriate for the juvenile, the child welfare agency operating
17 the Type 2 residential care center for children and youth shall notify the county
18 department that has supervision over the juvenile and, if the county department
19 agrees to a change in placement under this subdivision, the child welfare agency may
20 place the juvenile in a less restrictive placement. A child welfare agency may also,
21 with the agreement of the county department that has supervision over a juvenile
22 who is placed in a less restrictive placement under this subdivision, return the
23 juvenile to the Type 2 residential care center for children and youth without a
24 hearing under sub. (1) (am) 2. The child welfare agency shall establish a rate for each
25 type of placement in the manner provided in s. ~~46.037~~ 49.343.

SENATE BILL 40**SECTION 3822**

1 **SECTION 3822.** 938.357 (5m) (a) of the statutes is amended to read:

2 **938.357 (5m) (a)** If a proposed change in placement would change a juvenile's
3 placement from a placement in the juvenile's home to a placement outside the
4 juvenile's home, the court shall order the juvenile's parent to provide a statement of
5 the income, assets, debts, and living expenses of the juvenile and the juvenile's
6 parent to the court or the person or agency primarily responsible for implementing
7 the dispositional order by a date specified by the court. The clerk of court shall
8 provide, without charge, to any parent ordered to provide that statement a document
9 setting forth the percentage standard established by the department of ~~workforce~~
10 ~~development~~ children and families under s. 49.22 (9) and listing the factors under
11 s. 301.12 (14) (c). If the juvenile is placed outside the juvenile's home, the court shall
12 determine the liability of the parent in the manner provided in s. 301.12 (14).

13 **SECTION 3823.** 938.36 (1) (b) of the statutes is amended to read:

14 **938.36 (1) (b)** In determining the amount of support under par. (a), the court
15 may consider all relevant financial information or other information relevant to the
16 parent's earning capacity, including information reported under s. 49.22 (2m) to the
17 department of ~~workforce~~ ~~development~~ children and families, or the county child
18 support agency, under s. 59.53 (5). If the court has insufficient information with
19 which to determine the amount of support, the court shall order the juvenile's parent
20 to furnish a statement of the income, assets, debts, and living expenses of the juvenile
21 and the juvenile's parent, if the parent has not already done so, to the court within
22 10 days after the court's order transferring custody or designating an alternative
23 placement is entered or at such other time as ordered by the court.

24 **SECTION 3824.** 938.363 (1) (c) of the statutes is amended to read:

SENATE BILL 40**SECTION 3824**

1 938.363 (1) (c) If the proposed revision is for a change in the amount of child
2 support to be paid by a parent, the court shall order the juvenile's parent to provide
3 a statement of the income, assets, debts, and living expenses of the juvenile and the
4 juvenile's parent to the court and the person or agency primarily responsible for
5 implementing the dispositional order by a date specified by the court. The clerk of
6 court shall provide, without charge, to any parent ordered to provide that statement
7 a document setting forth the percentage standard established by the department of
8 ~~workforce development~~ children and families under s. 49.22 (9) and listing the
9 factors that a court may consider under s. 301.12 (14) (c).

10 **SECTION 3825.** 938.38 (2) (intro.) of the statutes is amended to read:

11 938.38 (2) PERMANENCY PLAN REQUIRED. (intro.) Except as provided in sub. (3),
12 for each juvenile living in a foster home, treatment foster home, group home,
13 residential care center for children and youth, juvenile detention facility, or shelter
14 care facility, the agency that placed the juvenile or arranged the placement or the
15 agency assigned primary responsibility for providing services to the juvenile under
16 s. 938.355 (2) (b) ~~6g.~~ shall prepare a written permanency plan, if any of the following
17 conditions exists, and, for each juvenile living in the home of a relative other than
18 a parent, that agency shall prepare a written permanency plan, if any of the
19 conditions under pars. (a) to (e) exists:

20 **SECTION 3826.** 938.396 (2g) (b) of the statutes is amended to read:

21 938.396 (2g) (b) *Federal program monitoring.* Upon request of the department
22 ~~of health and family services,~~ the department of ~~corrections~~ children and families,
23 or a federal agency to review court records for the purpose of monitoring and
24 conducting periodic evaluations of activities as required by and implemented under

SENATE BILL 40**SECTION 3826**

1 45 CFR 1355, 1356, and 1357, the court shall open those records for inspection by
2 authorized representatives of that department or federal agency.

3 **SECTION 3827.** 938.396 (4) of the statutes is amended to read:

4 938.396 (4) OPERATING PRIVILEGE RECORDS. When a court assigned to exercise
5 jurisdiction under this chapter and ch. 48 or a municipal court exercising jurisdiction
6 under s. 938.17 (2) revokes, suspends, or restricts a juvenile's operating privilege
7 under this chapter, the department of transportation may not disclose information
8 concerning or relating to the revocation, suspension, or restriction to any person
9 other than a court assigned to exercise jurisdiction under this chapter and ch. 48, a
10 municipal court exercising jurisdiction under s. 938.17 (2), a district attorney, county
11 corporation counsel, or city, village, or town attorney, a law enforcement agency, a
12 driver licensing agency of another jurisdiction, the juvenile whose operating
13 privilege is revoked, suspended, or restricted, or the juvenile's parent or guardian.
14 Persons entitled to receive this information may not disclose the information to other
15 persons or agencies.

16 **SECTION 3828.** 938.538 (6) of the statutes is amended to read:

17 938.538 (6) PURCHASE OF SERVICES. The department of ~~corrections~~ may contract
18 with the department of health and family services, the department of children and
19 families, a county department, or any public or private agency for the purchase of
20 goods, care, and services for participants in the program under this section. The
21 department of ~~corrections~~ shall reimburse a person from whom it purchases goods,
22 care, or services under this subsection from the appropriation under s. 20.410 (3) (cg).

23 **SECTION 3829.** 938.547 (2) of the statutes is amended to read:

24 938.547 (2) DEPARTMENT RESPONSIBILITIES. Within the availability of funding
25 under s. ~~20.435 (7)~~ 20.437 (1) (mb) that is available for the pilot program, the

SENATE BILL 40**SECTION 3829**

1 department of ~~health and family services~~ children and families shall select counties
2 to participate in the pilot program. Unless a county department of human services
3 has been established under s. 46.23 in the county that is seeking to implement a pilot
4 program, the application submitted to the department of ~~health and family services~~
5 children and families shall be a joint application by the county department that
6 provides social services and the county department established under s. 51.42 or
7 51.437. The department of ~~health and family services~~ children and families shall
8 select counties in accordance with the request-for-proposal procedures established
9 by that department. The department of ~~health and family services~~ children and
10 families shall give a preference to county applications that include a plan for case
11 management.

12 **SECTION 3830.** 938.548 of the statutes is amended to read:

13 **938.548 Multidisciplinary screen and assessment criteria.** The
14 department of ~~health and family services~~ children and families shall make the
15 multidisciplinary screen developed under s. 938.547 (3) and the assessment criteria
16 developed under s. 938.547 (4) available to all counties.

17 **SECTION 3831.** 938.57 (3) (a) (intro.) of the statutes is amended to read:

18 938.57 **(3)** (a) (intro.) From the reimbursement received under s. ~~46.495~~ 48.569
19 (1) (d), counties may provide funding for the maintenance of any juvenile who meets
20 all of the following qualifications:

21 **SECTION 3832.** 938.57 (3) (a) 3. of the statutes is amended to read:

22 938.57 **(3)** (a) 3. Received funding under s. ~~46.495~~ 48.569 (1) (d) immediately
23 prior to his or her 17th birthday.

24 **SECTION 3833.** 938.57 (3) (b) of the statutes is amended to read:

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1 938.57 (3) (b) The funding provided for the maintenance of a juvenile under par.
2 (a) shall be in an amount equal to that to which the juvenile would receive under s.
3 ~~46.495~~ 48.569 (1) (d) if the juvenile were 16 years of age.

4 **SECTION 3834.** 938.78 (2) (h) of the statutes is amended to read:

5 938.78 (2) (h) Paragraph (a) does not prohibit the department of ~~health and~~
6 ~~family services~~ children and families, a county department, or a licensed child
7 welfare agency from entering the content of any record kept or information received
8 by that department, county department, or licensed child welfare agency into the
9 statewide automated child welfare information system established under s. ~~46.03~~
10 48.47 (7g).

11 **SECTION 3835.** 948.22 (4) (b) of the statutes is amended to read:

12 948.22 (4) (b) For a person not subject to a court order requiring child,
13 grandchild or spousal support payments, when the person knows or reasonably
14 should have known that he or she has a dependent, failure to provide support equal
15 to at least the amount established by rule by the department of ~~workforce~~
16 ~~development~~ children and families under s. 49.22 (9) or causing a spouse, grandchild
17 or child to become a dependent person, or continue to be a dependent person, as
18 defined in s. 49.01 (2).

19 **SECTION 3836.** 948.31 (1) (a) 2. of the statutes is amended to read:

20 948.31 (1) (a) 2. The department of ~~health and family services~~ children and
21 families or the department of corrections or any person, county department under
22 s. 46.215, 46.22, or 46.23, or licensed child welfare agency, if custody or supervision
23 of the child has been transferred under ch. 48 or 938 to that department, person, or
24 agency.

SENATE BILL 40**SECTION 3842**

1 **949.04 (2) FORMS.** The department shall prescribe application forms for awards
2 under this ~~chapter~~ subchapter and shall furnish law enforcement agencies with the
3 forms. The law enforcement agency investigating a crime shall provide forms to each
4 person who may be eligible to file a claim under this subchapter.

5 **SECTION 3843.** 949.06 (1) (intro.) of the statutes is amended to read:

6 **949.06 (1)** (intro.) In accordance with this ~~chapter~~ subchapter, the department
7 shall make awards, as appropriate, for any of the following economic losses incurred
8 as a direct result of an injury:

9 **SECTION 3844.** 949.06 (1m) (b) of the statutes is amended to read:

10 **949.06 (1m) (b)** In accordance with this ~~chapter~~ subchapter, the department
11 shall make awards, as appropriate, to persons who, immediately prior to the crime,
12 lived in the same household with and to family members of a victim of s. 940.01,
13 940.02, 940.05, 940.06, 940.07, 940.08 or 940.09 for any of the economic losses
14 specified in sub. (1) as a result of the person's or family member's reaction to the
15 death. A dependent may recover both under sub. (1) and this subsection, subject to
16 the limitation under sub. (2).

17 **SECTION 3845.** 949.06 (3) (f) of the statutes is created to read:

18 **949.06 (3) (f)** From an award under s. 949.26.

19 **SECTION 3846.** 949.06 (4) (b) of the statutes is amended to read:

20 **949.06 (4) (b)** The department may suspend proceedings under this ~~chapter~~
21 subchapter for a period it deems appropriate on the grounds that a prosecution for
22 an offense arising out of the act or omission has been commenced or is imminent.

23 **SECTION 3847.** 949.09 of the statutes is amended to read:

24 **949.09 Effect of conviction.** If any person has been convicted of any offense
25 with respect to an act or omission on which a claim under this ~~chapter~~ subchapter

SENATE BILL 40**SECTION 3847**

1 is based, proof of that conviction shall be taken as conclusive evidence that the
2 offense has been committed, unless an appeal or any proceeding with regard thereto
3 is pending.

4 **SECTION 3848.** 949.11 (1) of the statutes is amended to read:

5 949.11 (1) The procedure of ch. 227 for contested cases applies to hearings
6 under this ~~chapter~~ subchapter except as otherwise provided in this section and ss.
7 949.12 and 949.14.

8 **SECTION 3849.** 949.11 (2) of the statutes is amended to read:

9 949.11 (2) The division of hearings and appeals in the department of
10 administration shall appoint hearing examiners to make findings and orders under
11 s. 227.46 and this ~~chapter~~ subchapter.

12 **SECTION 3850.** 949.115 of the statutes is amended to read:

13 **949.115 Subpoenas.** The department or any of its authorized agents may
14 issue subpoenas for persons or records for any investigation or hearing conducted
15 under this ~~chapter~~ subchapter and may enforce compliance with such subpoenas as
16 provided in s. 885.12.

17 **SECTION 3851.** 949.12 of the statutes is amended to read:

18 **949.12 Condition of claimant.** There is no privilege, except privileges
19 arising from the attorney–client relationship, as to communications or records
20 relevant to an issue of the physical, mental or emotional condition of the claimant
21 or victim in a proceeding under this ~~chapter~~ subchapter in which that condition is
22 an element.

23 **SECTION 3852.** 949.13 of the statutes is amended to read:

24 **949.13 Agency cooperation.** Upon request by the department, any state or
25 local agency, including a district attorney or law enforcement agency, shall make

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1 available all reports, files and other appropriate information which the department
2 requests in order to make a determination that a person is eligible for an award
3 under this ~~chapter~~ subchapter.

4 **SECTION 3853.** 949.15 (1) of the statutes is amended to read:

5 949.15 (1) Whenever the department orders the payment of an award under
6 this ~~chapter~~ subchapter as a result of the occurrence of an event that creates a cause
7 of action on the part of a claimant against any person, the department is subrogated
8 to the rights of the claimant and may bring an action against the person for the
9 amount of the damages sustained by the claimant. If an amount greater than that
10 paid under the award order is recovered and collected in any such action, the
11 department shall pay the balance to the claimant. If the person responsible for the
12 injury or death has previously made restitution payments to the general fund under
13 s. 973.20, any judgment obtained by the department under this section shall be
14 reduced by the amount of the restitution payments to the general fund.

15 **SECTION 3854.** 949.16 of the statutes is amended to read:

16 **949.16 Confidentiality of records.** The record of a proceeding before an
17 examiner or the department under this ~~chapter~~ subchapter is a public record. Any
18 record or report obtained by an examiner or the department, the confidentiality of
19 which is protected by any other law or rule, shall remain confidential.

20 **SECTION 3855.** 949.165 (12) of the statutes is amended to read:

21 949.165 (12) PAYMENT IS NOT AN AWARD. Any payment from an escrow account
22 under this section shall not be considered as an award by the department under this
23 ~~chapter~~ subchapter.

24 **SECTION 3856.** 949.18 (intro.) of the statutes is amended to read:

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SECTION 3856

1 **949.18 Report by the department.** (intro.) The department’s biennial
2 report under s. 15.04 (1) (d) shall include a report of its activities under this chapter
3 subchapter including:

4 **SECTION 3857.** 949.18 (1) of the statutes is amended to read:

5 **949.18 (1)** An explanation of the procedures for filing and processing claims
6 under this chapter subchapter.

7 **SECTION 3858.** 949.18 (4) of the statutes is amended to read:

8 **949.18 (4)** A copy of the forms utilized under this chapter subchapter.

9 **SECTION 3859.** 949.18 (5) (intro.) of the statutes is amended to read:

10 **949.18 (5)** (intro.) A complete statistical analysis of the cases handled under
11 this chapter subchapter, including:

12 **SECTION 3860.** 949.18 (5) (e) of the statutes is amended to read:

13 **949.18 (5) (e)** A summary of cases handled under this chapter subchapter.

14 **SECTION 3861.** Subchapter II of chapter 949 [precedes 949.20] of the statutes
15 is created to read:

CHAPTER 949

SUBCHAPTER II

SEXUAL ASSAULT FORENSIC

EXAMINATION COMPENSATION

20 **949.20 Definitions.** In this subchapter:

21 **(1)** “Cooperate with a law enforcement agency” means to report a sex offense
22 to a law enforcement agency or to aid a law enforcement agency in the investigation
23 of a sex offense.

24 **(2)** “Department” means the department of justice.

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1 **(3)** “Examination costs” means the costs of an examination that is done to
2 gather evidence regarding a sex offense, any procedure during that examination
3 process that tests for or prevents a sexually transmitted disease, and any medication
4 provided or prescribed, during that examination process, that prevents or treats a
5 sexually transmitted disease that the person performing the examination or
6 procedure believes could be a consequence of the sex offense. “Examination costs”
7 does not include any processing or administrative costs, attorney fees, or other
8 expenses.

9 **(4)** “Guardian of the victim” means one of the following:

10 1. If the victim is under 18 years of age, the parent, guardian, or legal custodian
11 of the victim.

12 2. If the victim has been determined to be incompetent under ch. 54, the
13 guardian of the victim.

14 **(5)** “Health care provider” means any person providing health care services.

15 **(6)** “Law enforcement agency” has the meaning given in s. 165.83 (1) (b).

16 **(7)** “Sex offense” means an act committed in the state that, if committed by a
17 competent adult, would be a violation, or an attempted violation, of s. 940.225,
18 948.02, 948.025, 948.05, 948.06, 948.08, or 948.09.

19 **(8)** “Sexually transmitted disease” has the meaning given in s. 252.11 (1).

20 **(9)** “Victim” means a person against whom a sex offense has been committed.

21 **949.22 Administration.** The department shall administer this subchapter.
22 The department shall appoint a program director to assist in administering this
23 subchapter. The department shall promulgate rules for the implementation and
24 operation of this subchapter. The rules shall include procedures to ensure that any
25 limitation of an award is calculated in a fair and equitable manner.

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1 **949.24 Application for award. (1) ELIGIBILITY.** Any health care provider who
2 conducts an examination to gather evidence regarding a sex offense may apply for
3 an award under this subchapter.

4 **(2) FORMS.** The department shall prescribe application forms for awards under
5 this subchapter and shall furnish health care providers with the forms.

6 **(3) MEDICAL RECORDS.** An applicant shall submit to the department reports
7 from any physician, physician’s assistant, or nurse who treated or examined the
8 victim to gather evidence regarding a sex offense, performed any procedure during
9 that treatment or examination that tests for or prevents a sexually transmitted
10 disease, or provided or prescribed any medication to prevent or treat a sexually
11 transmitted disease. The applicant may not submit to the department any other
12 records than those pertaining to the examination, treatment, procedure, or
13 medication for which the applicant is seeking an award.

14 **949.26 Computation of awards. (1)** Except as provided in sub. (1m), the
15 department shall make an award under this section to a health care provider who
16 conducts an examination to gather evidence regarding a sex offense to reimburse the
17 health care provider only for the examination costs, as follows:

18 (a) If, under sub. (2) (b), the health care provider is not authorized to seek
19 payment from insurance or another available source of payment, the award shall be
20 the examination costs, regardless of whether the victim, or any guardian of the
21 victim, cooperates with a law enforcement agency regarding the sex offense.

22 (b) If, under sub. (2) (b), the health care provider is authorized to seek payment
23 from insurance or another available source of payment and the victim, or any
24 guardian of the victim, does not cooperate with a law enforcement agency regarding

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1 the sex offense, the award shall be the examination costs, reduced by any payment
2 to be received as a result of the authorization under sub. (2) (b).

3 **(1m)** The department may not make an award under this section if, under sub.
4 (2) (b), the health care provider is authorized to seek payment and the victim, or any
5 guardian of the victim, cooperates with a law enforcement agency.

6 **(2) (a)** A health care provider seeking an award under this section may not seek
7 payment for any examination costs from the victim or any guardian of the victim.

8 (b) A health care provider seeking an award under this section may not seek
9 payment for any examination costs from insurance or another available source of
10 payment unless the victim or any guardian of the victim authorizes the health care
11 provider to seek payment.

12 **(3)** The department may not refuse to make an award under this section
13 because the victim or the guardian of the victim does not cooperate with a law
14 enforcement agency regarding the sex offense, or due to lack of an investigation or
15 prosecution of the sex offense.

16 **949.28 Limitations on awards. (1)** No order for the payment of an award
17 under this subchapter may be made unless the application was made within one year
18 after the date of the examination. The department may waive the one-year
19 requirement under this subsection in the interest of justice.

20 **(2)** The department may not make an award under this subchapter that
21 exceeds the examination costs of the victim.

22 **(3)** The department may not make an award under this subchapter for any part
23 of the examination costs of the victim for which the health care provider seeking the
24 award has received compensation from any other source.

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1 **(4)** The department may not make an award under this subchapter if the total
2 dollar amount awarded under this section in that year is greater than \$50,000.

3 **949.31 Hearings. (1)** The procedure of ch. 227 for contested cases applies to
4 hearings under this subchapter except as otherwise provided in this section and s.
5 949.32.

6 **(2)** The division of hearings and appeals in the department of administration
7 shall appoint hearing examiners to make findings and orders under s. 227.46 and
8 this subchapter.

9 **(3)** All hearings shall be open to the public unless in a particular case the
10 examiner determines that the hearing, or a portion of the hearing, shall be held in
11 private having regard to the fact that the offender has not been convicted or to the
12 interest of the victim.

13 **949.315 Subpoenas.** The department or any of its authorized agents may
14 issue subpoenas for persons or records for any investigation or hearing conducted
15 under this subchapter and may enforce compliance with such subpoenas as provided
16 in s. 885.12.

17 **949.32 Condition of victim.** There is no privilege, except privileges arising
18 from the attorney–client relationship, as to communications or records relevant to
19 an issue of the physical condition of the victim in a proceeding under this subchapter
20 in which that condition is an element.

21 **949.33 Agency cooperation.** Upon request by the department, any state or
22 local agency, including a district attorney or law enforcement agency, shall make
23 available all reports, files, and other appropriate information which the department
24 requests in order to make a determination that a health care provider is eligible for
25 an award under this subchapter.

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1 **949.36 Confidentiality.** If a health care provider seeks an award under this
2 subchapter, any personally identifiable information, as defined in s. 19.62 (5), of the
3 victim who received the examination shall remain confidential unless written
4 consent for the release of any personally identifiable information is provided by one
5 of the following:

6 **(1)** Except as provided under sub. (2), the victim.

7 **(2)** If there is a guardian of the victim, the guardian of the victim.

8 **949.37 Offenses. (1) PROHIBITION.** In connection with an award under this
9 subchapter, no person may do any of the following:

10 (a) Submit a fraudulent application or claim for an award.

11 (b) Intentionally make or cause to be made any false statement or
12 representation of a material fact.

13 (c) Intentionally conceal or fail to disclose information affecting the amount of
14 or the initial or continued right to any such award when reasonably requested to
15 provide such information by the department.

16 **(2) PENALTIES.** Any person who violates this section shall be fined not more than
17 \$500 or imprisoned not more than 6 months or both. The person shall forfeit any
18 benefit received and shall reimburse the state for payments received.

19 **(3) DAMAGES.** The state has a civil cause of action for relief against any person
20 who violates this section for the amount of damages that the state sustained by
21 reason of the violation and, in addition, for punitive damages not more than double
22 the amount of damages that the state may have sustained, together with interest,
23 and the cost of the suit.

24 **(4) ACTION.** The attorney general may bring any action and has such powers
25 as may be necessary to enforce this section.

SENATE BILL 40**SECTION 3861**

1 **949.38 Report by the department.** The department's biennial report under
2 s. 15.04 (1) (d) shall include a report of its activities under this subchapter including
3 all of the following:

4 **(1)** An explanation of the procedures for filing and processing claims under this
5 subchapter.

6 **(2)** A description of the programs and policies instituted to promote awareness
7 about the awards under this subchapter.

8 **(3)** An analysis of future needs and suggested program improvements.

9 **(4)** A copy of the forms used under this subchapter.

10 **(5)** A complete statistical analysis of the cases handled under this subchapter,
11 including all of the following:

12 (a) The number of claims filed.

13 (b) The number of claims approved and the amount of each award.

14 (c) The number of claims denied and the reasons for rejection.

15 (d) A breakdown of claims by geographic area and month.

16 **SECTION 3862.** 950.04 (1v) (f) of the statutes is amended to read:

17 950.04 **(1v)** (f) To have the parole earned release review commission make a
18 reasonable attempt to notify the victim of applications for parole, release to extended
19 supervision, or termination of extended supervision, as provided under s. 304.06 (1).

20 **SECTION 3863.** 950.04 (1v) (rm) of the statutes is amended to read:

21 950.04 **(1v)** (rm) To compensation, as provided under subch. I of ch. 949.

22 **SECTION 3864.** 950.08 (2g) (b) of the statutes is amended to read:

23 950.08 **(2g)** (b) The availability of compensation under subch. I of ch. 949 and
24 the address and telephone number at which to contact the department for
25 information concerning compensation under subch. I of ch. 949.

SENATE BILL 40**SECTION 3865**

1 **SECTION 3865.** 950.08 (2r) (d) of the statutes is amended to read:

2 950.08 **(2r)** (d) The availability of compensation under subch. I of ch. 949,
3 including information concerning eligibility for compensation and the procedure for
4 applying for compensation.

5 **SECTION 3866.** 961.41 (5) (c) of the statutes, as affected by 2005 Wisconsin Act
6 25, is amended to read:

7 961.41 **(5)** (c) 1. ~~Two-thirds~~ The first \$850,000 plus two-thirds of all moneys
8 in excess of \$1,275,000 collected in each fiscal year from drug surcharges under this
9 subsection shall be credited to the appropriation account under s. 20.435 (6) (gb).

10 2. ~~One-third of all~~ All moneys in excess of \$850,000 and up to \$1,275,000 plus
11 one-third of moneys in excess of \$1,275,000 collected in each fiscal year from drug
12 surcharges under this subsection shall be credited to the appropriation account
13 under s. 20.505 (6) (ku).

14 **SECTION 3867.** 961.50 (1) (intro.) of the statutes is amended to read:

15 961.50 **(1)** (intro.) If a person is convicted of any violation of this chapter, the
16 court shall, in addition to any other penalties that may apply to the crime, suspend
17 the person's operating privilege, as defined in s. 340.01 (40), for not less than 6
18 months nor more than 5 years. The court shall immediately may take possession of
19 any suspended license ~~and forward it.~~ If the court takes possession of a license, it
20 shall destroy the license. The court shall forward to the department of
21 transportation ~~together with~~ the record of conviction and notice of the suspension.
22 The person is eligible for an occupational license under s. 343.10 as follows:

23 **SECTION 3868.** 961.50 (2) of the statutes is amended to read:

24 961.50 **(2)** For purposes of counting the number of convictions under sub. (1),
25 convictions under the law of a federally recognized American Indian tribe or band in

SENATE BILL 40**SECTION 3868**

1 this state, federal law or the law of another jurisdiction, as defined in s. 343.32 ~~(1m)~~
2 ~~(a) 340.01 (41m)~~, for any offense therein which, if the person had committed the
3 offense in this state and been convicted of the offense under the laws of this state,
4 would have required suspension or revocation of such person's operating privilege
5 under this section, shall be counted and given the effect specified under sub. (1). The
6 5-year period under this section shall be measured from the dates of the violations
7 which resulted in the convictions.

8 **SECTION 3869.** 967.06 of the statutes is renumbered 967.06 (1) and amended
9 to read:

10 967.06 **(1)** As soon as practicable after a person has been detained or arrested
11 in connection with any offense which ~~that~~ is punishable by incarceration, or in
12 connection with any civil commitment proceeding, or in any other situation in which
13 a person is entitled to counsel regardless of ability to pay under the constitution or
14 laws of the United States or this state, the person shall be informed of his or her right
15 to counsel. ~~Persons~~

16 **(2)** (a) Except as provided in par. (b), a person entitled to counsel under sub.
17 (1) who indicate ~~indicates~~ at any time that they ~~wish~~ he or she wants to be
18 represented by a lawyer, and who ~~claim that they are~~ claims that he or she is not able
19 to pay in full for a lawyer's services, shall immediately be permitted to contact the
20 authority for indigency determinations specified under s. 977.07 (1). The authority
21 for indigency determination in each county shall have daily telephone access to the
22 county jail in order to identify all persons who are being held in the jail. The jail
23 personnel shall provide by phone information requested by the authority.

24 **(3)** In any case in which the state public defender provides representation to
25 an indigent person, the public defender may request that the applicable court

SENATE BILL 40**SECTION 3869**

1 reporter or clerk of circuit court prepare and transmit any transcript or court record.
2 The request shall be complied with. The state public defender shall, from the
3 appropriation under s. 20.550 (1) (f), compensate the court reporter or clerk of circuit
4 court for the cost of preparing, handling, duplicating, and mailing the documents.

5 **SECTION 3870.** 967.06 (2) (b) of the statutes is created to read:

6 967.06 (2) (b) If the person indicating that he or she wants to be represented
7 by a lawyer is detained under ch. 48, 51, 55, or 938, the person shall be referred for
8 appointment of counsel as provided under s. 48.23 (4), 51.60, 55.105, or 938.23 (4),
9 whichever is applicable.

10 **SECTION 3871.** 971.14 (3) (d) of the statutes is amended to read:

11 971.14 (3) (d) If the examiner reports that the defendant lacks competency, the
12 examiner's opinion regarding the likelihood that the defendant, if provided
13 treatment, may be restored to competency within the time period permitted under
14 sub. (5) (a). The examiner shall provide an opinion as to whether the individual's
15 treatment should occur in an inpatient facility designated by the department of
16 health and family services, or should be conducted in a jail or locked unit of a facility.
17 as a condition of bail or bond.

18 **SECTION 3872.** 971.14 (5) (a) of the statutes is amended to read:

19 971.14 (5) (a) If the court determines that the defendant is not competent but
20 is likely to become competent within the period specified in this paragraph if
21 provided with appropriate treatment, the court shall suspend the proceedings and
22 commit the defendant to the custody of the department of health and family services
23 for placement in an appropriate institution. The department of health and family
24 services shall determine whether treatment shall occur in an institution, or in a
25 community-based treatment conducted in a jail or a locked unit of a facility, as a

SENATE BILL 40**SECTION 3872**

1 condition of bail or bond, and the defendant shall be placed as appropriate for a
2 period of time not to exceed 12 months, or the maximum sentence specified for the
3 most serious offense with which the defendant is charged, whichever is less. Days
4 spent in commitment under this paragraph are considered days spent in custody
5 under s. 973.155.

6 **SECTION 3873.** 971.14 (5) (b) of the statutes is amended to read:

7 971.14 (5) (b) The defendant shall be periodically reexamined by the ~~treatment~~
8 facility department of health and family services examiners. Written reports of
9 examination shall be furnished to the court 3 months after commitment, 6 months
10 after commitment, 9 months after commitment and within 30 days prior to the
11 expiration of commitment. Each report shall indicate either that the defendant has
12 become competent, that the defendant remains incompetent but that attainment of
13 competency is likely within the remaining commitment period, or that the defendant
14 has not made such progress that attainment of competency is likely within the
15 remaining commitment period. Any report indicating such a lack of sufficient
16 progress shall include the examiner's opinion regarding whether the defendant is
17 mentally ill, alcoholic, drug dependent, developmentally disabled or infirm because
18 of aging or other like incapacities.

19 **SECTION 3874.** 971.14 (5) (c) of the statutes is amended to read:

20 971.14 (5) (c) Upon receiving a report under par. (b), indicating the defendant
21 has regained competency or is not competent and unlikely to become competent in
22 the remaining commitment period, the court shall hold a hearing within 14 days of
23 receipt of the report and the court shall proceed under sub. (4). If the court
24 determines that the defendant has become competent, the defendant shall be
25 discharged from commitment and the criminal proceeding shall be resumed. If the

SENATE BILL 40**SECTION 3874**

1 court determines that the defendant is making sufficient progress toward becoming
2 competent, the commitment shall continue.

3 **SECTION 3875.** 971.17 (3) (e) of the statutes is amended to read:

4 971.17 (3) (e) An order for conditional release places the person in the custody
5 and control of the department of health and family services. A conditionally released
6 person is subject to the conditions set by the court and to the rules of the department
7 of health and family services. Before a person is conditionally released by the court
8 under this subsection, the court shall so notify the municipal police department and
9 county sheriff for the area where the person will be residing. The notification
10 requirement under this paragraph does not apply if a municipal department or
11 county sheriff submits to the court a written statement waiving the right to be
12 notified. If the department of health and family services alleges that a released
13 person has violated any condition or rule, or that the safety of the person or others
14 requires that conditional release be revoked, he or she may be taken into custody
15 under the rules of the department. The department of health and family services
16 shall submit a statement showing probable cause of the detention and a petition to
17 revoke the order for conditional release to the committing court and the regional
18 office of the state public defender responsible for handling cases in the county where
19 the committing court is located within ~~48~~ 72 hours after the detention, excluding
20 Saturdays, Sundays, and legal holidays. The court shall hear the petition within 30
21 days, unless the hearing or time deadline is waived by the detained person. Pending
22 the revocation hearing, the department of health and family services may detain the
23 person in a jail or in a hospital, center or facility specified by s. 51.15 (2). The state
24 has the burden of proving by clear and convincing evidence that any rule or condition
25 of release has been violated, or that the safety of the person or others requires that

SENATE BILL 40**SECTION 3875**

1 conditional release be revoked. If the court determines after hearing that any rule
2 or condition of release has been violated, or that the safety of the person or others
3 requires that conditional release be revoked, it may revoke the order for conditional
4 release and order that the released person be placed in an appropriate institution
5 under s. 51.37 (3) until the expiration of the commitment or until again conditionally
6 released under this section.

7 **SECTION 3876.** 971.23 (10) of the statutes is amended to read:

8 **971.23 (10) PAYMENT OF PHOTOCOPY COPYING COSTS IN CASES INVOLVING INDIGENT**
9 **DEFENDANTS.** When the state public defender or a private attorney appointed under
10 s. 977.08 requests ~~photocopies~~ copies, in any format, of any item that is discoverable
11 under this section, the state public defender shall pay any fee charged for the
12 ~~photocopies~~ copies from the appropriation under s. 20.550 (1) (f). If the person
13 providing ~~photocopies~~ copies under this section charges the state public defender a
14 fee for the ~~photocopies~~ copies, the fee may not exceed the actual, necessary, and direct
15 cost of ~~photocopying~~ providing the copies.

16 **SECTION 3877.** 973.01 (4) of the statutes is amended to read:

17 **973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT.** A
18 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of
19 confinement in prison portion of the sentence without reduction for good behavior.
20 The term of confinement in prison portion is subject to extension under s. 302.113 (3)
21 and, if applicable, to reduction under s. 302.045 (3m), 302.05 (3) (c) 2. a., 302.113 (9g),
22 304.06 (1) (b), or 973.195 (1r).

23 **SECTION 3878.** 973.01 (7) of the statutes is amended to read:

24 **973.01 (7) NO DISCHARGE.** The department of corrections may not discharge a
25 person who is serving a bifurcated sentence from custody, control and supervision

SENATE BILL 40**SECTION 3878**

1 until the person has served the entire bifurcated sentence, except as provided in s.
2 304.06 (1) (b).

3 **SECTION 3879.** 973.017 (2) (a) and (10) of the statutes are amended to read:

4 973.017 **(2)** (a) If the offense is a felony, the sentencing guidelines adopted
5 submitted in the report by the ~~sentencing commission~~ truth-in-sentencing phase II
6 council under s. ~~973.30~~ 16.015 or, if the ~~sentencing commission~~ truth-in-sentencing
7 phase II council has not ~~adopted~~ submitted a guideline for the offense, any applicable
8 temporary sentencing guideline adopted by the sentencing commission created
9 under 2001 Wisconsin Act 109, or if the ~~sentencing commission~~ did not adopt a
10 guideline for the offense, any applicable temporary sentencing guideline adopted by
11 the criminal penalties study committee created under 1997 Wisconsin Act 283.

12 **(10)** USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL. The requirement
13 under sub. (2) (a) that a court consider sentencing guidelines submitted in the report
14 by the truth-in-sentencing phase II council or adopted by the sentencing
15 commission or the criminal penalties study committee does not require a court to
16 make a sentencing decision that is within any range or consistent with a
17 recommendation specified in the guidelines, and there is no right to appeal a court's
18 sentencing decision based on the court's decision to depart in any way from any
19 guideline.

20 **SECTION 3880.** 973.045 (1) (intro.) of the statutes is amended to read:

21 973.045 **(1)** (intro.) ~~Except as provided in sub. (1m), if~~ If a court imposes a
22 sentence or places a person on probation, the court shall impose a crime victim and
23 witness assistance surcharge calculated as follows:

24 **SECTION 3881.** 973.045 (1m) of the statutes is repealed and recreated to read:

SENATE BILL 40**SECTION 3881**

1 973.045 **(1m)** (a) In this subsection, “civil offense” means an offense punishable
2 by a forfeiture.

3 (b) If all of the following apply, the court shall impose a crime victim and witness
4 assistance surcharge in addition to any forfeiture that it imposes:

5 1. The person is charged with one or more crimes in a complaint.

6 2. As a result of the complaint being amended, the person is charged with a civil
7 offense in lieu of one of those crimes.

8 3. The court finds that the person committed that civil offense on or after the
9 effective date of this subdivision [revisor inserts date].

10 (c) The amount of the surcharge imposed under par. (b) shall be the amount
11 specified in sub. (1) (a) or (b), depending on whether the crime that was the subject
12 of the amendment under par. (b) 2. was a misdemeanor or a felony.

13 **SECTION 3882.** 973.045 (1r) (b) of the statutes is created to read:

14 973.045 **(1r)** (b) The entire amount of any surcharge imposed under sub. (1m)
15 shall be allocated to part A.

16 **SECTION 3883.** 973.045 (2m) of the statutes is created to read:

17 973.045 **(2m)** The secretary of administration shall credit part A of the crime
18 victim and witness surcharge to the appropriation account under s. 20.455 (5) (g) and
19 part B to the appropriation account under s. 20.455 (5) (gc).

20 **SECTION 3884.** 973.045 (3) (a) of the statutes is renumbered 973.045 (1r) (a),
21 and 973.045 (1r) (a) (intro.), as renumbered, is amended to read:

22 973.045 **(1r)** (a) (intro.) The clerk shall record ~~the any crime victim and witness~~
23 ~~surcharge imposed under sub. (1) in 2 parts. Part A is the portion that the secretary~~
24 ~~of administration shall credit to the appropriation account under s. 20.455 (5) (g) and~~

SENATE BILL 40**SECTION 3884**

1 ~~part B is the portion that the secretary of administration shall credit to the~~
2 ~~appropriation account under s. 20.455 (5) (gc), as follows:~~

3 **SECTION 3885.** 973.05 (2m) (r) of the statutes is amended to read:

4 973.05 **(2m)** (r) To payment of the enforcement surcharge under s. ~~253.06~~ 49.17
5 (4) (c) until paid in full.

6 **SECTION 3886.** 973.055 (3) of the statutes is amended to read:

7 973.055 **(3)** All moneys collected from domestic abuse surcharges shall be
8 deposited by the secretary of administration in s. ~~20.435 (3)~~ 20.437 (1) (hh) and
9 utilized in accordance with s. ~~46.95~~ 49.165.

10 **SECTION 3887.** 973.09 (1) (b) of the statutes is amended to read:

11 973.09 **(1)** (b) If the court places the person on probation, the court shall order
12 the person to pay restitution under s. 973.20, unless the court finds there is
13 substantial reason not to order restitution as a condition of probation. If the court
14 does not require restitution to be paid to a victim, the court shall state its reason on
15 the record. If the court does require restitution, it shall notify the department of
16 justice of its decision if the victim may be eligible for compensation under subch. I
17 of ch. 949.

18 **SECTION 3888.** 973.195 (1g) of the statutes is repealed.

19 **SECTION 3889.** 973.195 (1r) (a) of the statutes is amended to read:

20 973.195 **(1r)** (a) An inmate who is serving a sentence imposed under s. 973.01
21 for a ~~crime other than a Class B~~ Class C to Class E felony may petition the sentencing
22 court to adjust the sentence if the inmate has served at least ~~the applicable~~
23 percentage 85 percent of the term of confinement in prison portion of the sentence.
24 If an inmate is subject to more than one sentence imposed under this section, the

SENATE BILL 40**SECTION 3889**

1 sentences shall be treated individually for purposes of sentence adjustment under
2 this subsection.

3 **SECTION 3890.** 973.195 (1r) (d) of the statutes is amended to read:

4 973.195 (1r) (d) If the sentence for which the inmate seeks adjustment is for
5 an offense under s. 940.225 (2) ~~or (3)~~, 948.02 (2), 948.08, or 948.085, and the district
6 attorney does not object to the petition within 10 days of receiving notice under par.
7 (c), the district attorney shall notify the victim, as defined under s. 950.02 (4), of the
8 inmate's petition. The notice to the victim shall include information on the sentence
9 adjustment petition process under this subsection, including information on how to
10 object to the inmate's petition. If the victim objects to adjustment of the inmate's
11 sentence within 45 days of the date on which the district attorney received notice
12 under par. (c), the court shall deny the inmate's petition.

13 **SECTION 3891.** 973.20 (9) (a) of the statutes is amended to read:

14 973.20 (9) (a) If a crime victim is paid an award under subch. I of ch. 949 for
15 any loss arising out of a criminal act, the state is subrogated to the rights of the victim
16 to any restitution required by the court. The rights of the state are subordinate to
17 the claims of victims who have suffered a loss arising out of the offenses or any
18 transaction which is part of the same continuous scheme of criminal activity.

19 **SECTION 3892.** 973.20 (9) (b) of the statutes is amended to read:

20 973.20 (9) (b) When restitution is ordered, the court shall inquire to see if an
21 award has been made under subch. I of ch. 949 and if the department of justice is
22 subrogated to the cause of action under s. 949.15. If the restitution ordered is less
23 than or equal to the award under subch. I of ch. 949, the restitution shall be paid only
24 ~~to the general fund~~ credited to the appropriation account under s. 20.455 (5) (hh).
25 If the restitution ordered is greater than the award under subch. I of ch. 949, the

SENATE BILL 40**SECTION 3892**

1 ~~general fund shall receive an amount equal to the award under subch. I of ch. 949~~
2 ~~shall be credited to the appropriation account under s. 20.455 (5) (hh)~~ and the balance
3 shall be paid to the victim.

4 **SECTION 3893.** 973.30 (title) of the statutes is repealed.

5 **SECTION 3894.** 973.30 (1) (intro.) of the statutes is repealed.

6 **SECTION 3895.** 973.30 (1) (a) of the statutes is repealed.

7 **SECTION 3896.** 973.30 (1) (b) of the statutes is renumbered 16.964 (13) (a) 2.

8 **SECTION 3897.** 973.30 (1) (c) of the statutes is repealed.

9 **SECTION 3898.** 973.30 (1) (d) of the statutes is renumbered 16.964 (13) (a) 3.

10 **SECTION 3899.** 973.30 (1) (e) of the statutes is repealed.

11 **SECTION 3900.** 973.30 (1) (f) of the statutes is repealed.

12 **SECTION 3901.** 973.30 (1) (g) of the statutes is renumbered 16.964 (13) (a) 4.

13 **SECTION 3902.** 973.30 (1) (h) of the statutes is renumbered 16.964 (13) (a) 5.

14 **SECTION 3903.** 973.30 (1) (i) of the statutes is renumbered 16.964 (13) (a) 6.

15 **SECTION 3904.** 973.30 (1) (j) of the statutes is renumbered 16.964 (13) (a) 7.

16 **SECTION 3905.** 973.30 (2) of the statutes is repealed.

17 **SECTION 3906.** 973.30 (3) of the statutes is repealed.

18 **SECTION 3907.** 974.07 (4) (b) of the statutes is amended to read:

19 974.07 (4) (b) Notwithstanding the limitation on the disclosure of mailing
20 addresses from completed information cards submitted by victims under ss. 51.37
21 (10) (dx), 301.046 (4) (d), 301.048 (4m) (d), 301.38 (4), 302.105 (4), 304.06 (1) (f),
22 304.063 (4), 938.51 (2), 971.17 (6m) (d), and 980.11 (4), the department of corrections,
23 the parole earned release review commission, and the department of health and
24 family services shall, upon request, assist clerks of court in obtaining information

SENATE BILL 40**SECTION 3907**

1 regarding the mailing address of victims for the purpose of sending copies of motions
2 and notices of hearings under par. (a).

3 **SECTION 3908.** 976.03 (23) (c) of the statutes is amended to read:

4 976.03 (23) (c) The application shall be verified by affidavit, shall be executed
5 in duplicate and shall be accompanied by 2 certified copies of the indictment
6 returned, or information and affidavit filed, or of the complaint made to a judge,
7 stating the offense with which the accused is charged, or of the judgment of
8 conviction or of the sentence. The prosecuting officer, ~~parole~~ earned release review
9 commission, warden or sheriff may also attach such further affidavits and other
10 documents in duplicate as he, she or it deems proper to be submitted with the
11 application. One copy of the application, with the action of the governor indicated
12 by endorsement thereon, and one of the certified copies of the indictment, complaint,
13 information and affidavits, or of the judgment of conviction or of the sentence shall
14 be filed in the office of the governor to remain of record in that office. The other copies
15 of all papers shall be forwarded with the governor's requisition.

16 **SECTION 3909.** 977.02 (2m) of the statutes is amended to read:

17 977.02 (2m) Promulgate rules regarding eligibility for legal services under this
18 chapter, including legal services for ~~children~~ persons who are entitled to be
19 represented by counsel without a determination of indigency, as provided in s. 48.23
20 (4), 51.60, 55.105, or 938.23 (4).

21 **SECTION 3910.** 977.02 (3) of the statutes is amended to read:

22 977.02 (3) Promulgate rules regarding the determination of indigency of
23 persons entitled to be represented by counsel, other than ~~children~~ persons who are
24 entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23,

SENATE BILL 40**SECTION 3910**

1 including the time period in which the determination must be made and the criteria
2 to be used to determine indigency and partial indigency.

3 **SECTION 3911.** 977.05 (4) (gm) of the statutes is amended to read:

4 977.05 (4) (gm) In accordance with the standards under pars. (h) and (i), accept
5 referrals from judges and courts for the provision of legal services without a
6 determination of indigency of ~~children~~ persons who are entitled to be represented by
7 counsel under s. 48.23, 51.60, 55.105, or 938.23, appoint counsel in accordance with
8 contracts and policies of the board, and inform the referring judge or court of the
9 name and address of the specific attorney who has been assigned to the case.

10 **SECTION 3912.** 977.05 (4) (h) of the statutes is amended to read:

11 977.05 (4) (h) Accept requests for legal services from ~~children~~ persons who are
12 entitled to be represented by counsel under s. 48.23, 51.60, 55.105, or 938.23 and
13 from indigent persons who are entitled to be represented by counsel under s. 967.06
14 or who are otherwise so entitled under the constitution or laws of the United States
15 or this state and provide such persons with legal services when, in the discretion of
16 the state public defender, such provision of legal services is appropriate.

17 **SECTION 3913.** 977.05 (4) (i) 8. of the statutes is amended to read:

18 977.05 (4) (i) 8. Cases involving individuals who are subject to petitions for
19 protective placement or involuntary administration of psychotropic medication
20 under ch. 55.

21 **SECTION 3914.** 977.06 (2) (a) of the statutes is amended to read:

22 977.06 (2) (a) A person seeking to have counsel assigned for him or her under
23 s. 977.08, other than a ~~child~~ person who is entitled to be represented by counsel under
24 s. 48.23, 51.60, 55.105, or 938.23, shall sign a statement declaring that he or she has
25 not disposed of any assets for the purpose of qualifying for that assignment of

SENATE BILL 40**SECTION 3914**

1 counsel. If the representative or authority making the indigency determination
2 finds that any asset was disposed of for less than its fair market value for the purpose
3 of obtaining that assignment of counsel, the asset shall be counted under s. 977.07
4 (2) at its fair market value at the time it was disposed of, minus the amount of
5 compensation received for the asset.

6 **SECTION 3915.** 977.06 (2) (am) of the statutes is amended to read:

7 977.06 (2) (am) A person seeking to have counsel assigned for him or her under
8 s. 977.08, other than a child person who is entitled to be represented by counsel under
9 s. 48.23, 51.60, 55.105, or 938.23, shall sign a statement declaring that the
10 information that he or she has given to determine eligibility for assignment of
11 counsel he or she believes to be true and that he or she is informed that he or she is
12 subject to the penalty under par. (b).

13 **SECTION 3916.** 977.06 (4) (bm) of the statutes is amended to read:

14 977.06 (4) (bm) In response to a request for information under s. 49.22 (2m)
15 made by the department of ~~workforce development~~ children and families or a county
16 child support agency under s. 59.53 (5), the state public defender shall provide the
17 name and address of an individual, the name and address of the individual's
18 employer and financial information related to the individual, if the name, address
19 or financial information is included in any statement, affidavit or other information
20 provided by the individual regarding financial eligibility under s. 977.07 and if, at
21 the time the request for information is made, the individual is represented by the
22 state public defender or by counsel assigned under s. 977.08.

23 **SECTION 3917.** 977.07 (1) (a) of the statutes is amended to read:

24 977.07 (1) (a) Determination of indigency for persons entitled to counsel shall
25 be made as soon as possible and shall be in accordance with the rules promulgated

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1 by the board under s. 977.02 (3) and the system established under s. 977.06. No
2 determination of indigency is required for a child person who is entitled to be
3 represented by counsel under s. 48.23, 51.60, 55.105, or 938.23.

4 **SECTION 3918.** 977.07 (1) (c) of the statutes is amended to read:

5 977.07 (1) (c) For all referrals made under ss. 809.107, 809.30, 974.06 (3) (b)
6 and 974.07 (11), except a referral of a child person who is entitled to be represented
7 by counsel under s. 48.23, 51.60, 55.105, or 938.23, a representative of the state
8 public defender shall determine indigency. For referrals made under ss. 809.107,
9 809.30 and 974.06 (3) (b), except a referral of a child person who is entitled to be
10 represented by counsel under s. 48.23, 51.60, 55.105, or 938.23, the representative
11 of the state public defender may, unless a request for redetermination has been filed
12 under s. 809.30 (2) (d) or the person's request for representation states that his or her
13 financial circumstances have materially improved, rely upon a determination of
14 indigency made for purposes of trial representation under this section.

15 **SECTION 3919.** 977.075 (1g) of the statutes is created to read:

16 977.075 (1g) In this section, "client responsible for payment" means a client of
17 the state public defender other than a client entitled to legal representation without
18 a determination of indigency.

19 **SECTION 3920.** 977.075 (3) of the statutes is amended to read:

20 977.075 (3) The board shall establish by rule a fee schedule that sets the
21 amount that a ~~person, other than a parent subject to s. 48.275 (2) (b) or 938.275 (2)~~
22 ~~(b), who is~~ client responsible for payment for legal representation shall pay for the
23 cost of the legal representation if the ~~person~~ client does not pay the applicable
24 discount fee under sub. (3m). The schedule shall establish a fee for a given type of

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1 case, and the fee for a given type of case shall be based on the average cost, as
2 determined by the board, for representation for that type of case.

3 **SECTION 3921.** 977.075 (3m) of the statutes is amended to read:

4 977.075 **(3m)** The board shall establish by rule a fee schedule that sets the
5 discount amount that a ~~person, other than a parent subject to s. 48.275 (2) (b) or~~
6 ~~938.275 (2) (b), who is~~ client responsible for payment for legal representation, may
7 pay during a time period established by rule instead of paying the applicable fee
8 under sub. (3). The fee schedule shall establish a discount fee for each type of case
9 included in the schedule under sub. (3). If a ~~person~~ client responsible for payment
10 pays the applicable discount fee within the time period established under this
11 section, the ~~person~~ client may not be held liable for any additional payment for
12 counsel.

13 **SECTION 3922.** 977.075 (4) of the statutes is created to read:

14 977.075 **(4)** The board shall establish by rule a fee schedule that sets the
15 maximum amount that a parent subject to s. 48.275 (2) (b) or 938.275 (2) (b) shall pay
16 as reimbursement for legal services and sets the maximum amount that a person
17 subject to s. 51.605 or 55.107 shall pay as reimbursement for legal services. The
18 maximum amounts under this subsection shall be based on the average cost, as
19 determined by the board, for each applicable type of case.

20 **SECTION 3923.** 977.08 (1) of the statutes is amended to read:

21 977.08 **(1)** If the representative or the authority for indigency determinations
22 specified under s. 977.07 (1) refers a case to or within the office of the state public
23 defender or if a case is referred under s. 48.23 (4), 51.60, 55.105, or 938.23 (4), the
24 state public defender shall assign counsel according to subs. (3) and (4). If a

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1 defendant makes a request for change of attorney assignment, the change of attorney
2 must be approved by the circuit court.

3 **SECTION 3924.** 977.08 (2) (intro.) of the statutes is amended to read:

4 977.08 (2) (intro.) All attorneys in a county shall be notified in writing by the
5 state public defender that a set of lists is being prepared of attorneys willing to
6 represent ~~children~~ persons referred under s. 48.23 (4), 51.60, 55.105, or 938.23 (4)
7 and indigent clients in the following:

8 **SECTION 3925.** 977.08 (2) (d) of the statutes is repealed.

9 **SECTION 3926.** 977.085 (3) of the statutes is amended to read:

10 977.085 (3) The board shall provide quarterly reports to the joint committee
11 on finance on the status of reimbursement for or recoupment of payments under ss.
12 48.275, 51.605, 55.107, 757.66, 938.275, 977.06, 977.07 (2), 977.075 and 977.076,
13 including the amount of revenue generated by reimbursement and recoupment. The
14 quarterly reports shall include any alternative means suggested by the board to
15 improve reimbursement and recoupment procedures and to increase the amount of
16 revenue generated. The department of justice, district attorneys, circuit courts and
17 applicable county agencies shall cooperate by providing any necessary information
18 to the state public defender.

19 **SECTION 3927.** 978.05 (4m) of the statutes is amended to read:

20 978.05 (4m) WELFARE FRAUD INVESTIGATIONS. Cooperate with the departments
21 of ~~workforce development~~ children and families and health and family services
22 regarding the fraud investigation programs under ss. 49.197 (1m) and 49.845 (1).

23 **SECTION 3928.** 980.036 (10) of the statutes is amended to read:

24 980.036 (10) PAYMENT OF ~~PHOTOCOPY~~ COPYING COSTS IN CASES INVOLVING INDIGENT
25 RESPONDENTS. When the state public defender or a private attorney appointed under

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1 s. 977.08 requests ~~photocopies~~ copies, in any format, of any item that is discoverable
2 under this section, the state public defender shall pay any fee charged for the
3 ~~photocopies~~ copies from the appropriation under s. 20.550 (1) (a). If the person
4 providing ~~photocopies~~ copies under this section charges the state public defender a
5 fee for the ~~photocopies~~ copies, the fee may not exceed the actual, necessary, and,
6 direct cost of ~~photocopying~~ providing the copies.

7 **SECTION 3929.** 980.08 (9) of the statutes, as created by 2005 Wisconsin Act 431,
8 is renumbered 980.08 (9) (a).

9 **SECTION 3930.** 980.08 (9) (b) of the statutes is created to read:

10 980.08 (9) (b) The department of corrections may contract for the escort
11 services under par. (a).

12 **SECTION 3931.** 985.01 (1g) of the statutes is amended to read:

13 985.01 (1g) “Governing body” has the meaning given in s. 345.05 (1) (b) and
14 includes a ~~family~~ long-term care district board under s. 46.2895.

15 **SECTION 3932.** 985.01 (3) of the statutes is amended to read:

16 985.01 (3) “Municipality” has the meaning in s. 345.05 (1) (c) and includes a
17 ~~family~~ long-term care district under s. 46.2895.

18 **SECTION 3933.** 995.12 (5) (a) of the statutes is amended to read:

19 995.12 (5) (a) *License revocation and civil penalty.* Upon a determination that
20 a distributor has violated sub. (2) (c), the department may revoke ~~or suspend~~ the
21 license of the distributor in the manner provided under s. 139.44 (4) and (7). Each
22 stamp affixed and each sale of cigarettes or offer or possession to sell cigarettes in
23 violation of sub. (2) (c) shall constitute a separate violation. For each violation the
24 department may also impose a forfeiture in an amount not to exceed the greater of
25 500% of the retail value of the cigarettes or \$5,000.

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1 **SECTION 3934.** 995.67 (1) (a) of the statutes is amended to read:

2 995.67 **(1)** (a) “Domestic abuse” has the meaning given in s. 46.95 ~~49.165~~ (1)
3 (a).

4 **SECTION 3935.** 2003 Wisconsin Act 33, section 9159 (4f) is repealed.

5 **SECTION 3936.** 2005 Wisconsin Act 25, section 9101 (4) (b) and (c) is amended
6 to read:

7 [2005 Wisconsin Act 25] Section 9101 (4) (b) ~~the secretary~~ The department of
8 administration ~~shall submit a report to the secretary of the building commission~~
9 ~~containing an inventory of his or her recommendations to offer specified state~~
10 ~~properties~~ may offer any parcel of state-owned real property for sale under in
11 accordance with section 16.848 of the statutes, as created by this act, if the property
12 is eligible for sale under that section and this subsection. If the department of
13 administration receives an offer to purchase the property, the secretary of
14 administration may submit a report to the secretary of the building commission
15 recommending acceptance of the offer. The report shall contain a description of the
16 property and the reasons therefor. ~~A property may be included in the inventory for~~
17 ~~the recommendation.~~ The secretary of administration may recommend the sale of
18 a property with or without approval of the state agency having jurisdiction of the
19 property. If, during the period on or before June 30, 2007, or the period beginning
20 on the effective date of this paragraph and ending on June 30, 2009, the building
21 commission votes to approve the sale of any offer to purchase the property included
22 ~~in the inventory,~~ the department of administration may offer sell the property for sale
23 ~~under section 16.848 of the statutes, as created by this act.~~

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1 (c) This subsection does not apply during the period beginning after June 30,
2 2007 and ending the day before the effective date of this paragraph, nor during the
3 period after June 30, 2009.

4 **SECTION 3937.** 2005 Wisconsin Act 25, section 9152 (5) is amended to read:

5 [2005 Wisconsin Act 25] Section 9152 (5) SALE OF REAL PROPERTY. If the Board
6 of Regents of the University of Wisconsin System sells any real property under its
7 jurisdiction during the period prior to July 1, 2007, and the period beginning on the
8 effective date of this subsection and ending on June 30, 2009, the board shall credit
9 the net proceeds of the sale to the appropriation account under section 20.285 (1) (iz)
10 of the statutes, as affected by this act, except that if there is any outstanding public
11 debt used to finance the acquisition, construction, or improvement of any property
12 that is sold, the board shall deposit a sufficient amount of the net proceeds from the
13 sale of the property in the bond security and redemption fund under section 18.09
14 of the statutes to repay the principal and pay the interest on the debt, and any
15 premium due upon refunding any of the debt. If the property was acquired,
16 constructed, or improved with federal financial assistance, the board shall pay to the
17 federal government any of the net proceeds required by federal law. If the property
18 was acquired by gift or grant or acquired with gift or grant funds, the board shall
19 adhere to any restriction governing use of the proceeds.

20 **SECTION 9101. Nonstatutory provisions; Administration.**

21 (1) HEALTH CARE QUALITY AND PATIENT SAFETY COUNCIL MEMBERSHIP.
22 Notwithstanding the length of terms specified in section 15.197 (6) (intro.) of the
23 statutes, as created by this act, the initial terms of the members specified in section
24 15.197 (6) (d) to (f) of the statutes, as created by this act, shall expire on July 1, 2009,

SENATE BILL 40**SECTION 9101**

1 and the initial terms of the members specified in section 15.197 (6) (g) to (i) of the
2 statutes, as created by this act, shall expire on July 1, 2011.

3 (2) EMPLOYEE TRANSFERS TO PUBLIC SERVICE COMMISSION. On the effective date
4 of this subsection, all incumbent employees holding positions having responsibility
5 for administering energy conservation and efficiency and renewable resource
6 programs under section 16.957 of the statutes, as determined by the secretary of
7 administration, are transferred to the public service commission. The employees
8 transferred under this subsection have all the rights and the same status under
9 subchapter V of chapter 111 and chapter 230 of the statutes in the public service
10 commission that they enjoyed in the department of administration immediately
11 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee
12 so transferred who has attained permanent status in class is required to serve a
13 probationary period.

14 (3) TREATMENT ALTERNATIVES AND DIVERSION GRANT. By August 15, 2007, the
15 county that has the highest violent crime rate, as reported by the office of justice
16 assistance, shall submit an application to the office of justice assistance for a grant
17 under section 16.964 (2) (b) of the statutes. Upon approval of the county's grant
18 application, the office of justice assistance shall from the appropriation under section
19 20.505 (6) (b) of the statutes, as affected by this act, award \$250,000 to the county
20 for the calendar year beginning January 1, 2008, and \$500,000 for the the calendar
21 year beginning January 1, 2009.

22 (4) ASSESS, INFORM, AND MEASURE GRANT.

23 (a) By December 1, 2007, the county that has the highest violent crime rate, as
24 reported by the office of justice assistance, shall submit a plan to the office of justice
25 assistance for conducting presentencing assessments for the purpose of providing

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1 courts information for sentencing decisions. The plan shall include all of the
2 following components:

3 1. Identification of a target group of offenders from among persons who are
4 convicted of a Class F, G, H, or I felony or a misdemeanor whom the county shall
5 assess.

6 2. Assessment of persons in the target group to determine the risk that they
7 will commit further crimes, their needs that are directly related to criminal behavior,
8 the likelihood that they will respond positively to community–based treatment for
9 the assessed needs, as well as an assessment of the availability of community–based
10 treatment programs to serve the offenders.

11 3. Collection and dissemination of information relating to the accuracy of
12 assessments performed, the value and usefulness of information contained in the
13 assessment reports for purposes of making sentencing decisions, the effectiveness of
14 community–based treatment programs in addressing the assessed needs of
15 offenders, and the effect of the treatment programs with respect to recidivism.

16 4. Annual evaluation of the plan.

17 (b) Upon approval of a county plan submitted under paragraph (a), the office
18 of justice assistance shall from the appropriation under section 20.505 (6) (b) of the
19 statutes, as affected by this act, award the county \$250,000 for the calendar year
20 beginning January 1, 2008, and \$500,000 for the calendar year beginning January
21 1, 2009, to perform presentencing assessments of offenders. At least 50 percent of
22 the assessments performed by a county with funding provided under this subsection
23 shall be of persons subject to sentencing in connection with a felony.

24 (5) YOUTH DIVERSION GRANT REDUCTIONS.

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1 (a) Notwithstanding the amount specified under section 16.964 (8) (a) of the
2 statutes, as affected by this act, the office of justice assistance in the department of
3 administration shall reduce the amount of money allocated under section 16.964 (8)
4 (a) of the statutes, as affected by this act, by \$6,000 in fiscal year 2007–08.

5 (b) Notwithstanding the amounts specified under section 16.964 (8) (c) of the
6 statutes, as affected by this act, the office of justice assistance in the department of
7 administration shall reduce the amount of money allocated for each of the 4 contracts
8 that are funded with moneys from the appropriation accounts under section 20.505
9 (6) (d) of the statutes, as affected by this act, by \$7,500 in fiscal year 2007–08 and
10 shall reduce the amount of money allocated for the contract that is funded only with
11 moneys from the appropriation account under section 20.505 (6) (kj) of the statutes,
12 as affected by this act, by \$5,000 in fiscal year 2007–08.

13 (6) DISTRICT ATTORNEY CASE MANAGEMENT PROCESSES. From the appropriation
14 under section 20.505 (6) (a) of the statutes, the office of justice assistance shall
15 provide \$25,000 during the 2007–08 fiscal year to the Milwaukee County District
16 Attorney office to assist in the development of case management processes.

17 **SECTION 9102. Nonstatutory provisions; Aging and Long–Term Care**
18 **Board.**

19 **SECTION 9103. Nonstatutory provisions; Agriculture, Trade and**
20 **Consumer Protection.**

21 **SECTION 9104. Nonstatutory provisions; Arts Board.**

22 **SECTION 9105. Nonstatutory provisions; Building Commission.**

23 **SECTION 9106. Nonstatutory provisions; Child Abuse and Neglect**
24 **Prevention Board.**

25 **SECTION 9107. Nonstatutory provisions; Circuit Courts.**

SENATE BILL 40**SECTION 9108****1 SECTION 9108. Nonstatutory provisions; Commerce.**

2 (1) BUDGET INFORMATION; SURPLUS TRANSFER. Notwithstanding section 16.42 (1)
3 (e) of the statutes, in submitting information under section 16.42 of the statutes for
4 the purposes of the 2009–11 biennial budget bill, the department of commerce shall
5 submit a dollar amount for the appropriation under section 20.143 (2) (b) of the
6 statutes as though the amount appropriated to the department of commerce in fiscal
7 year 2008–09 under section 20.143 (2) (b) of the statutes is \$2,000,000.

8 (2) GRANT FOR CELLULOSIC ETHANOL PLANT. Notwithstanding section 560.126 of
9 the statutes, as created by this act, the department of commerce shall award grants
10 totaling not more than \$5,000,000 from the appropriation under section 20.143 (1)
11 (tm) of the statutes, as created by this act, to a person who plans to construct a
12 cellulosic ethanol plant in this state, if all of the following apply:

13 (a) The person submits a plan to the department specifying the proposed use
14 of the grant and the secretary of commerce approves the plan.

15 (b) The department enters into a written agreement with the person that
16 specifies the conditions for the use of the grant, including reporting and auditing
17 requirements.

18 (c) The person agrees in writing to submit to the department, within 6 months
19 after spending the grant proceeds, a report detailing how the grant proceeds were
20 spent.

21 SECTION 9109. Nonstatutory provisions; Corrections.

22 (1) YOUTH DIVERSION PROGRAM TRANSFER.

23 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
24 liabilities of the department of corrections that are primarily related to the youth
25 diversion from gang activities program under section 301.265, 2005 stats., as

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1 determined by the secretary of administration, shall become the assets and liabilities
2 of the department of administration.

3 (b) *Positions and employees.* On the effective date of this paragraph, all
4 positions and all incumbent employees holding those positions in the department of
5 corrections performing duties that are primarily related to the youth division from
6 gang activities program under section 301.265, 2005 stats., as determined by the
7 secretary of administration, are transferred to the department of administration.

8 (c) *Employee status.* Employees transferred under paragraph (b) have all the
9 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
10 statutes in the department of administration that they enjoyed in the department
11 of corrections immediately before the transfer. Notwithstanding section 230.28 (4)
12 of the statutes, no employee so transferred who has attained permanent status in
13 class is required to serve a probationary period.

14 (d) *Tangible personal property.* On the effective date of this paragraph, all
15 tangible personal property, including records, of the department of corrections that
16 is primarily related to the youth diversion from gang activities program under
17 section 301.265, 2005 stats., as determined by the secretary of administration, is
18 transferred to the department of administration.

19 (e) *Pending matters.* Any matter pending with the department of corrections
20 on the effective date of this paragraph that is primarily related to the youth diversion
21 from gang activities program under section 301.265, 2005 stats., as determined by
22 the secretary of administration, is transferred to the department of administration.
23 All materials submitted to or actions taken by the department of corrections with
24 respect to the pending matter are considered as having been submitted to or taken
25 by the department of administration.

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1 (f) *Contracts.* All contracts entered into by the department of corrections in
2 effect on the effective date of this paragraph that are primarily related to the youth
3 diversion from gang activities program under section 301.265, 2005 stats., as
4 determined by the secretary of administration, remain in effect and are transferred
5 to the department of administration. The department of administration shall carry
6 out any obligations under those contracts unless modified or rescinded by the
7 department of administration to the extent allowed under the contract.

8 (g) *Rules and orders.* All rules promulgated by the department of corrections
9 in effect on the effective date of this paragraph that are primarily related to the youth
10 diversion from gang activities program under section 301.265, 2005 stats., remain
11 in effect until their specified expiration dates or until amended or repealed by the
12 department of administration. All orders issued by the department of corrections in
13 effect on the effective date of this paragraph that are primarily related to the youth
14 diversion from gang activities program under section 301.265, 2005 stats., remain
15 in effect until their specified expiration dates or until modified or rescinded by the
16 department of administration.

17 (1) FUNDING FOR CERTAIN COMMUNITY REINTEGRATION SERVICES. From the
18 appropriation under section 20.410 (1) (d) of the statutes, the department of
19 corrections shall provide \$500,000 during the 2007–08 fiscal year and \$500,000
20 during the 2008–09 fiscal year to New Hope Project, Inc., for transitional
21 employment services.

SECTION 9110. Nonstatutory provisions; Court of Appeals.**SECTION 9111. Nonstatutory provisions; District Attorneys.**

24 (1) PROSECUTION OF DRUG CRIMES; MILWAUKEE COUNTY. From the appropriation
25 account under section 20.505 (6) (p) of the statutes the department of administration

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1 shall expend a dollar amount determined by the department of administration and
2 and from the appropriation account under section 20.455 (2) (kp) of the statutes the
3 department of justice shall expend a dollar amount determined by the department
4 of administration in each year of the 2007–09 fiscal biennium to provide the
5 multijurisdictional enforcement group serving Milwaukee County funding for 2.0
6 district attorney PR positions to prosecute criminal violations of chapter 961 of the
7 statutes.

8 (2) PROSECUTION OF DRUG CRIMES; DANE COUNTY. From the appropriation account
9 under section 20.505 (6) (p) of the statutes the department of administration shall
10 expend a dollar amount determined by the department of administration and from
11 the appropriation account under section 20.455 (2) (kp) of the statutes the
12 department of justice shall expend a dollar amount determined by the department
13 of administration in each year of the 2007–09 fiscal biennium to provide the
14 multijurisdictional enforcement group serving Dane County funding for 0.75 district
15 attorney PR position to prosecute criminal violations of chapter 961 of the statutes.

16 (3) PROSECUTION OF DRUG CRIMES; ST. CROIX COUNTY. From the appropriation
17 account under section 20.455 (2) (kp) of the statutes the department of justice shall
18 expend a dollar amount determined by the department of administration in each
19 year of the 2007–09 fiscal biennium to provide the multijurisdictional enforcement
20 group serving St. Croix County funding for 1.0 district attorney PR position to
21 prosecute criminal violations of chapter 961 of the statutes.

22 **SECTION 9112. Nonstatutory provisions; Educational Communications**
23 **Board.**

24 **SECTION 9113. Nonstatutory provisions; Elections Board.**

25 **SECTION 9114. Nonstatutory provisions; Employee Trust Funds.**

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1 **SECTION 9115. Nonstatutory provisions; Employment Relations**
2 **Commission.**

3 **SECTION 9116. Nonstatutory provisions; Ethics Board.**

4 **SECTION 9117. Nonstatutory provisions; Financial Institutions.**

5 **SECTION 9118. Nonstatutory provisions; Fox River Navigational**
6 **System Authority.**

7 **SECTION 9119. Nonstatutory provisions; Governor.**

8 **SECTION 9120. Nonstatutory provisions; Health and Educational**
9 **Facilities Authority.**

10 **SECTION 9121. Nonstatutory provisions; Health and Family Services.**

11 (1) BED ASSESSMENT FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY
12 RETARDED. Notwithstanding section 50.14 (2m) of the statutes, as created by this act,
13 the department of health and family services is not required to calculate the amount
14 of the bed assessment for intermediate care facilities for the mentally retarded under
15 section 50.14 (2) (bm) of the statutes, as created by this act, for state fiscal year
16 2007–08 until October 1, 2007, or the first day of the 3rd month beginning after the
17 effective date of this subsection, whichever is later.

18 (2) TRANSFER OF COUNCIL ON DEVELOPMENTAL DISABILITIES.

19 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
20 liabilities of the department of health and family services primarily related to the
21 council on developmental disabilities, as determined by the secretary of
22 administration, shall become the assets and liabilities of the department of
23 administration.

24 (b) *Employee transfers.* All incumbent employees holding positions in the
25 department of health and family services performing duties primarily related to the

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1 functions of the council on developmental disabilities, as determined by the secretary
2 of administration, are transferred on the effective date of this paragraph to the
3 department of administration.

4 (c) *Employee status.* Employees transferred under paragraph (b) have all the
5 rights and the same status under subchapter V of chapter 111 and under chapter 230
6 of the statutes in the department of administration that they enjoyed in the
7 department of health and family services immediately before the transfer.
8 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
9 has attained permanent status in class is required to serve a probationary period.

10 (d) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of health and family
12 services that is primarily related to the functions of the council on developmental
13 disabilities, as determined by the secretary of administration, is transferred to the
14 department of administration.

15 (e) *Contracts.*

16 1. All contracts entered into by the council on developmental disabilities in
17 effect on the effective date of this paragraph remain in effect and are transferred to
18 the council on developmental disabilities in the department of administration. The
19 council on developmental disabilities shall carry out any obligations under such a
20 contract until the contract expires or is modified or rescinded by the council on
21 developmental disabilities to the extent allowed under the contract.

22 2. All contracts entered into by the department of health and family services
23 in effect on the effective date of this paragraph that are primarily related to the
24 functions of the council on developmental disabilities, as determined by the secretary
25 of administration, remain in effect and are transferred to the department of

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1 administration. The department of administration shall carry out any obligations
2 under such a contract until the contract is modified or rescinded by the department
3 of administration to the extent allowed under the contract.

4 (3) LICENSED ADULT FAMILY HOME FEES; RULES. The department of health and
5 family services shall submit in proper form the rules required under section 50.033
6 (2) of the statutes, as affected by this act, to the legislative council staff under section
7 227.15 (1) of the statutes no later than November 1, 2007.

8 (4) COMMUNITY-BASED RESIDENTIAL FACILITY FEES; RULES. The department of
9 health and family services shall submit in proper form the rules required under
10 section 50.037 (2) (a) of the statutes, as affected by this act, to the legislative council
11 staff under section 227.15 (1) of the statutes no later than November 1, 2007.

12 (1m) INDIAN CHILD HIGH-COST OUT-OF-HOME CARE PLACEMENT FUNDING.
13 Notwithstanding section 16.54 (12) (a) of the statutes, as affected by this act, and
14 section 46.46 (1) and (2) of the statutes, in fiscal year 2007–08 the department of
15 health and family services may expend not more than \$500,000 in moneys received
16 under section 20.435 (8) (mb) and (mm) of the statutes, as affected by this act, in fiscal
17 year 2006–07 or 2007–08 for unexpected or unusually high-cost out-of-home care
18 placements of Indian children by tribal courts. The department of health and family
19 services may expend moneys under this subsection only if that department
20 determines in light of overall child welfare needs and after paying federal
21 disallowances under section 20.435 (8) (mm) of the statutes, as affected by this act,
22 that there are sufficient moneys in the appropriation accounts under section 20.435
23 (8) (mb) and (mm) of the statutes, as affected by this act, to expend for that purpose.

24 (5) TRANSFER TO THE DEPARTMENT OF CHILDREN AND FAMILIES.

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1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the department of health and family services that are primarily related
3 to the functions of the division of children and family services in that department,
4 to the child abuse and neglect prevention program under section 46.515, 2005 stats.,
5 to the food distribution and hunger prevention programs under section 46.75, 2005
6 stats., section 46.76, 2005 stats., and section 46.77, 2005 stats., and to the state
7 supplemental food program under section 253.06, 2005 stats., as determined by the
8 secretary of administration, shall become the assets and liabilities of the department
9 of children and families.

10 (b) *Employee transfers.*

11 1. The classified positions, and incumbent employees holding positions, in the
12 department of health and family services relating primarily to the functions of the
13 division of children and family services in that department, to the child abuse and
14 neglect prevention program under section 46.515, 2005 stats., to the food
15 distribution and hunger prevention programs under section 46.75, 2005 stats.,
16 section 46.76, 2005 stats., and section 46.77, 2005 stats., and to the state
17 supplemental food program under section 253.06, 2005 stats., as determined by the
18 secretary of administration, are transferred to the department of children and
19 families.

20 2. The classified positions, and incumbent employees holding positions, in the
21 department of health and family services relating primarily to general
22 administration and program support that the secretary of administration
23 determines should be transferred to the department of children and families are
24 transferred to that department. Upon determination of these employees, the
25 secretary of health and family services shall, by October 1, 2007, and in conjunction

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1 with the secretary of workforce development, submit a plan to the secretary of
2 administration requesting the transfer of moneys between the general purpose
3 revenue appropriations for the departments of health and family services and
4 workforce development and the department of children and families, between the
5 program revenue appropriations for the departments of health and family services
6 and workforce development and the department of children and families, between
7 the program revenue–service appropriations for the departments of health and
8 family services and workforce development and the department of children and
9 families, between the appropriations of given segregated funds for the departments
10 of health and family services and workforce development and the department of
11 children and families, and between the federal revenue appropriations for the
12 departments of health and family services and workforce development and the
13 department of children and families, if necessary to adjust previously allocated costs
14 in accordance with the transfer of personnel.

15 (c) *Employee status.* Employees transferred under paragraph (b) shall have the
16 same rights and status under subchapter V of chapter 111 and chapter 230 of the
17 statutes in the department of children and families that they enjoyed in the
18 department of health and family services immediately before the transfer.
19 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
20 has attained permanent status in class is required to serve a probationary period.

21 (d) *Tangible personal property.* On the effective date of this paragraph, all
22 tangible personal property, including records, of the department of health and family
23 services that is primarily related to the functions of the division of children and
24 family services in that department, to the child abuse and neglect prevention
25 program under section 46.515, 2005 stats., to the food distribution and hunger

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1 prevention programs under section 46.75, 2005 stats., section 46.76, 2005 stats., and
2 section 46.77, 2005 stats., and to the state supplemental food program under section
3 253.06, 2005 stats., as determined by the secretary of administration, shall be
4 transferred to the department of children and families.

5 (e) *Contracts.* All contracts entered into by the department of health and family
6 services in effect on the effective date of this paragraph that are primarily related
7 to the functions of the division of children and family services in that department,
8 to the child abuse and neglect prevention program under section 46.515, 2005 stats.,
9 to the food distribution and hunger prevention programs under section 46.75, 2005
10 stats., section 46.76, 2005 stats., and section 46.77, 2005 stats., and to the state
11 supplemental food program under section 253.06, 2005 stats., as determined by the
12 secretary of administration, remain in effect and are transferred to the department
13 of children and families. The department of children and families shall carry out any
14 such contractual obligations unless modified or rescinded by the department of
15 children and families to the extent allowed under the contract.

16 (f) *Rules and orders.* All rules promulgated by the department of health and
17 family services that are primarily related to the functions of the division of children
18 and family services in that department, to the child abuse and neglect prevention
19 program under section 46.515, 2005 stats., to the food distribution and hunger
20 prevention programs under section 46.75, 2005 stats., section 46.76, 2005 stats., and
21 section 46.77, 2005 stats., and to the state supplemental food program under section
22 253.06, 2005 stats., as determined by the secretary of administration, and that are
23 in effect on the effective date of this paragraph remain in effect until their specified
24 expiration dates or until amended or repealed by the department of children and
25 families. All orders issued by the department of health and family services that are

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1 primarily related to the functions of the division of children and family services in
2 that department, to the child abuse and neglect prevention program under section
3 46.515, 2005 stats., to the food distribution and hunger prevention programs under
4 section 46.75, 2005 stats., section 46.76, 2005 stats., and section 46.77, 2005 stats.,
5 and to the state supplemental food program under section 253.06, 2005 stats., as
6 determined by the secretary of administration, and that are in effect on the effective
7 date of this paragraph remain in effect until their specified expiration dates or until
8 modified or rescinded by the department of children and families.

9 (6) AGENCY NAME CHANGE.

10 (a) Wherever the term “health and family services” appears in the statutes, as
11 affected by the acts of 2007, the term “health services” is substituted.

12 (b) Beginning on July 1, 2008, the department of health services has the powers
13 and duties granted or assigned the department of health and family services by
14 SECTIONS 9101 to 9155 of this act that do not terminate before paragraph (a) takes
15 effect. Beginning on July 1, 2008, the secretary of health services has the powers and
16 duties granted or assigned the secretary of health and family services by SECTIONS
17 9101 to 9155 of this act that do not terminate before paragraph (a) takes effect.

18 **SECTION 9122. Nonstatutory provisions; Higher Educational Aids**
19 **Board.**

20 (1) WISCONSIN COVENANT SCHOLARS PROGRAM.

21 (a) *Rules.* The higher educational aids board shall submit in proposed form the
22 rules required under section 39.437 (5) of the statutes, as created by this act, to the
23 legislative council staff under section 227.15 (1) of the statutes no later than the first
24 day of the 18th month beginning after the effective date of this paragraph.

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1 (b) *Emergency rules.* Using the procedure under section 227.24 of the statutes,
2 the higher educational aids board may promulgate the rules required under section
3 39.437 (5) of the statutes, as created by this act, for the period before the effective date
4 of the permanent rules submitted under paragraph (a), but not to exceed the period
5 authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding
6 section 227.24 (1) (a), (2) (b), and (3) of the statutes, the higher educational aids board
7 is not required to provide evidence that promulgating a rule under this paragraph
8 as an emergency rule is necessary for the preservation of the public peace, health,
9 safety, or welfare and is not required to provide a finding of emergency for a rule
10 promulgated under this paragraph.

11 **SECTION 9123. Nonstatutory provisions; Historical Society.**

12 **SECTION 9124. Nonstatutory provisions; Housing and Economic**
13 **Development Authority.**

14 **SECTION 9125. Nonstatutory provisions; Insurance.**

15 **SECTION 9126. Nonstatutory provisions; Investment Board.**

16 **SECTION 9127. Nonstatutory provisions; Joint Committee on Finance.**

17 **SECTION 9128. Nonstatutory provisions; Judicial Commission.**

18 **SECTION 9129. Nonstatutory provisions; Justice.**

19 **SECTION 9130. Nonstatutory provisions; Legislature.**

20 (1) **AUDIT OF CRIME LABORATORIES IN DEPARTMENT OF JUSTICE.** The legislative audit
21 bureau shall conduct an audit of the state crime laboratories in the department of
22 justice regarding the management of the deoxyribonucleic acid analysis and data
23 bank, which audit shall include the management of cases, the type of screening done
24 on cases, and how priority is determined for the analysis of samples. The bureau

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1 shall file its report as described in section 13.94 (1) (b) of the statutes by June 30,
2 2008.

3 **SECTION 9131. Nonstatutory provisions; Lieutenant Governor.**

4 **SECTION 9132. Nonstatutory provisions; Lower Wisconsin State**
5 **Riverway Board.**

6 **SECTION 9133. Nonstatutory provisions; Medical College of Wisconsin.**

7 **SECTION 9134. Nonstatutory provisions; Military Affairs.**

8 **SECTION 9135. Nonstatutory provisions; Natural Resources.**

9 (1) **MANAGED FOREST LAND BOARD.** Notwithstanding section 15.345 (6) of the
10 statutes, as created by this act, 2 of the initial members of the managed forest land
11 board appointed under section 15.345 (6) (a) to (d) of the statutes, as created by this
12 act, shall serve for terms expiring on May 1, 2009, and 2 of those initial members
13 shall serve for terms expiring on May 1, 2011.

14 **SECTION 9136. Nonstatutory provisions; Public Defender Board.**

15 **SECTION 9137. Nonstatutory provisions; Public Instruction.**

16 (1) **MILWAUKEE PARENTAL CHOICE PROGRAM FEES; RULES.** By the first day of the
17 3rd month beginning after the effective date of this subsection, the department of
18 public instruction shall, using the procedure under section 227.24 of the statutes,
19 promulgate the rule required under section 119.23 (2) (a) 8. of the statutes, as created
20 by this act, for the period before the effective date of the permanent rule promulgated
21 under section 119.23 (2) (a) 8. of the statutes, as created by this act, but not to exceed
22 the period authorized under section 227.24 (1) (c) and (2) of the statutes.
23 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
24 of public instruction is not required to provide evidence that promulgating a rule
25 under this subsection as an emergency rule is necessary for the preservation of the

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1 public peace, health, safety, or welfare and is not required to provide a finding of
2 emergency for a rule promulgated under this subsection.

3 (2) MILWAUKEE PARENTAL CHOICE PROGRAM FEES; FEES FOR THE 2007-08 SCHOOL
4 YEAR. Notwithstanding section 119.23 (2) (a) 8. of the statutes, as created by this act,
5 each private school participating in the program under section 119.23 of the statutes,
6 as affected by this act, in the 2007-08 school year shall pay the fee required under
7 section 119.23 (2) (a) 8. of the statutes, as created by this act, no later than 30 days
8 after the effective date of the rule promulgated under subsection (1).

9 **SECTION 9138. Nonstatutory provisions; Public Lands, Board of**
10 **Commissioners of.**

11 **SECTION 9139. Nonstatutory provisions; Public Service Commission.**

12 **SECTION 9140. Nonstatutory provisions; Regulation and Licensing.**

13 **SECTION 9141. Nonstatutory provisions; Revenue.**

14 (1) INTERNAL REVENUE CODE. Changes to the Internal Revenue Code made by
15 Public Law 109-135, excluding sections 101, 105, 201 (a) as it relates to section
16 1400S (a), 402 (e), 403 (e), (j), and (q), and 405 of Public Law 109-135, and Public Law
17 109-280, excluding sections 811 and 844 of Public Law 109-280, apply to the
18 definitions of “Internal Revenue Code” in chapter 71 of the statutes at the time that
19 those changes apply for federal income tax purposes.

20 (2) EMERGENCY RULES CONCERNING OIL COMPANY ASSESSMENT. The department of
21 revenue may promulgate emergency rules under section 227.24 of the statutes
22 implementing subchapter XIV of chapter 77 of the statutes, as created by this act.
23 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
24 of revenue is not required to provide evidence that promulgating a rule under this
25 subsection as an emergency rule is necessary for the preservation of the public peace,

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1 health, safety, or welfare and is not required to provide a finding of emergency for a
2 rule promulgated under this subsection.

3 **SECTION 9142. Nonstatutory provisions; Secretary of State.**

4 **SECTION 9143. Nonstatutory provisions; State Employment Relations,**
5 **Office of.**

6 **SECTION 9144. Nonstatutory provisions; State Fair Park Board.**

7 **SECTION 9145. Nonstatutory provisions; Supreme Court.**

8 **SECTION 9146. Nonstatutory provisions; Technical College System.**

9 **SECTION 9147. Nonstatutory provisions; Tourism.**

10 **SECTION 9148. Nonstatutory provisions; Transportation.**

11 (1) DRIVER LICENSE AGREEMENT.

12 (a) The department of transportation shall submit in proposed form the rules
13 required under section 343.02 (3) (b) of the statutes, as created by this act, to the
14 legislative council staff under section 227.15 (1) of the statutes no later than the first
15 day of the 6th month beginning after the effective date of this paragraph.

16 (b) Using the emergency rules procedure under section 227.24 of the statutes,
17 the department of transportation shall promulgate the rules required under section
18 343.02 (3) (b) of the statutes, as created by this act, for purposes of implementing the
19 provisions of this act related to joining the Driver License Agreement, for the period
20 before the effective date of the rules submitted under paragraph (a). The department
21 shall promulgate these emergency rules no later than the first day of the 6th month
22 beginning after the effective date of this paragraph. Notwithstanding section 227.24
23 (1) (c) and (2) of the statutes, these emergency rules may remain in effect until July
24 1, 2009, or the date on which permanent rules take effect, whichever is sooner.
25 Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not

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1 required to provide evidence that promulgating a rule under this paragraph as an
2 emergency rule is necessary for the preservation of the public peace, health, safety,
3 or welfare and is not required to provide a finding of emergency for a rule
4 promulgated under this paragraph.

5 (2) TRANSFER OF SUPPLEMENTAL TITLE FEES.

6 (a) No transfer of moneys may be made from the general fund under section
7 20.855 (4) (f), 2005 stats., on or after the effective date of this paragraph.

8 (b) If the effective date of this paragraph is after October 1, 2007,
9 notwithstanding section 25.40 (3) (a) of the statutes, the secretary of administration
10 shall transfer, in fiscal year 2007–08, from the transportation fund to the general
11 fund an amount equal to the amount transferred under section 20.855 (4) (f), 2005
12 stats., from the general fund to the environmental fund between July 1, 2007, and
13 the effective date of this paragraph.

14 (3) IMPROVEMENT PROJECT TO VETERANS CEMETERY ACCESS ROAD IN WASHBURN
15 COUNTY. Notwithstanding limitations on the amount and use of aids provided under
16 section 86.31 of the statutes, as affected by this act, or on eligibility requirements for
17 receiving aids under section 86.31 of the statutes, as affected by this act, the
18 department of transportation shall award a grant of \$60,000 in the 2007–09 fiscal
19 biennium to the first applicant that is eligible for aid under section 86.31 of the
20 statutes and that applies for a grant for the improvement of a road accessing a state
21 veterans cemetery in Washburn County. Payment of the grant under this subsection
22 shall be made from the appropriation under section 20.395 (2) (ft) of the statutes, as
23 affected by this act, before making any other allocation of funds under section 86.31
24 (3g), (3m), or (3r) of the statutes, as affected by this act, and is in addition to the
25 entitlement, as defined in section 86.31 (1) (ar) of the statutes, or eligibility under

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1 section 86.31 (3g), (3m), or (3r) of the statutes, as affected by this act, of the recipient
2 under this subsection to any other aids under section 86.31 of the statutes, as affected
3 by this act.

SECTION 9149. Nonstatutory provisions; Treasurer.

4 **SECTION 9150. Nonstatutory provisions; University of Wisconsin**
5 **Hospitals and Clinics Authority.**

6 **SECTION 9151. Nonstatutory provisions; University of Wisconsin**
7 **Hospitals and Clinics Board.**

8 **SECTION 9152. Nonstatutory provisions; University of Wisconsin**
9 **System.**

10 (1) UW–MILWAUKEE SCHOOL OF PUBLIC HEALTH. Of the moneys appropriated to
11 the Board of Regents of the University of Wisconsin System under section 20.285 (1)
12 (a) of the statutes for the 2008–09 fiscal year, the board shall allocate \$200,000 for
13 establishing the University of Wisconsin–Milwaukee School of Public Health, but
14 only if the board approves the school.

SECTION 9153. Nonstatutory provisions; Veterans Affairs.

15 (1) PAYMENTS FOR OUTREACH FOR HOMELESS VETERANS. From the appropriation
16 under section 20.485 (2) (am) of the statutes, as created by this act, the department
17 of veterans affairs may annually make a payment not to exceed \$25,000 to the Center
18 for Veteran Issues for the purpose of providing outreach services for homeless
19 veterans.

SECTION 9154. Nonstatutory provisions; Workforce Development.

20 (1) TRANSFER TO THE DEPARTMENT OF CHILDREN AND FAMILIES.

21 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
22 liabilities of the department of workforce development that are primarily related to
23
24
25

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1 the functions of the bureau of Wisconsin Works and child support and the child care
2 section of the bureau of workforce programs, as determined by the secretary of
3 administration, shall become the assets and liabilities of the department of children
4 and families.

5 (b) *Employee transfers.*

6 1. The classified positions, and incumbent employees holding positions, in the
7 department of workforce development relating primarily to the functions of the
8 bureau of Wisconsin Works and child support and the child care section of the bureau
9 of workforce programs, as determined by the secretary of administration, are
10 transferred to the department of children and families.

11 2. The classified positions, and incumbent employees holding positions, in the
12 department of workforce development relating primarily to general administration
13 and program support that the secretary of administration determines should be
14 transferred are transferred to the department of children and families. Upon
15 determination of these employees, the secretary of workforce development shall, in
16 conjunction with the secretary of health and family services, by October 1, 2007, and
17 submit a plan to the secretary of administration requesting the transfer of moneys
18 between the general purpose revenue appropriations for the departments of
19 workforce development and health and family services and the department of
20 children and families, between the program revenue appropriations for the
21 departments of workforce development and health and family services and the
22 department of children and families, between the program revenue–service
23 appropriations for the departments of workforce development and health and family
24 services and the department of children and families, between the appropriations of
25 given segregated funds for the departments of workforce development and health

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1 and family services and the department of children and families, and between the
2 federal revenue appropriations for the departments of workforce development and
3 health and family services and the department of children and families, if necessary
4 to adjust previously allocated costs in accordance with the transfer of personnel.

5 (c) *Employee status.* Employees transferred under paragraph (b) shall have the
6 same rights and status under subchapter V of chapter 111 and chapter 230 of the
7 statutes in the department of children and families that they enjoyed in the
8 department of workforce development immediately before the transfer.
9 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
10 has attained permanent status in class is required to serve a probationary period.

11 (d) *Tangible personal property.* On the effective date of this paragraph, all
12 tangible personal property, including records, of the department of workforce
13 development that is primarily related to the functions of the bureau of Wisconsin
14 Works and child support and the child care section of the bureau of workforce
15 programs, as determined by the secretary of administration, shall be transferred to
16 the department of children and families.

17 (e) *Contracts.* All contracts entered into by the department of workforce
18 development in effect on the effective date of this paragraph that are primarily
19 related to the functions of the bureau of Wisconsin Works and child support and the
20 child care section of the bureau of workforce programs, as determined by the
21 secretary of administration, remain in effect and are transferred to the department
22 of children and families. The department of children and families shall carry out any
23 such contractual obligations unless modified or rescinded by the department of
24 children and families to the extent allowed under the contract.

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1 (f) *Rules and orders.* All rules promulgated by the department of workforce
2 development that are primarily related to the functions of the bureau of Wisconsin
3 Works and child support and the child care section of the bureau of workforce
4 programs, as determined by the secretary of administration, and that are in effect
5 on the effective date of this paragraph remain in effect until their specified expiration
6 dates or until amended or repealed by the department of children and families. All
7 orders issued by the department of workforce development that are primarily related
8 to the functions of the bureau of Wisconsin Works and child support and the child
9 care section of the bureau of workforce programs, as determined by the secretary of
10 administration, and that are in effect on the effective date of this paragraph remain
11 in effect until their specified expiration dates or until modified or rescinded by the
12 department of children and families.

13 (g) *Pending matters.* Any matter pending with the department of workforce
14 development on the effective date of this paragraph that is primarily related to the
15 functions of the bureau of Wisconsin Works and child support and the child care
16 section of the bureau of workforce programs, as determined by the secretary of
17 administration, is transferred to the department of children and families and all
18 materials submitted to or actions taken by the department of workforce development
19 with respect to the pending matter are considered as having been submitted to or
20 taken by the department of children and families.

21 (2) **STUDY ON CHILD SUPPORT COLLECTION.** The department of workforce
22 development shall study the efficiency of the current method used in Wisconsin for
23 collecting court-ordered child support. The study shall examine the feasibility of
24 using, and the efficiency of, other methods of collection. By December 1, 2008, the

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1 department conducting the study shall submit its findings and recommendations to
2 the secretary of administration.

3 **SECTION 9155. Nonstatutory provisions; other.**

4 (1) TRANSFER OF ATTORNEY AND LEGAL STAFF POSITIONS.

5 (a) *Definitions.* In this subsection:

6 1. “Legal staff” means the individuals as determined by the secretary of
7 administration who provide support services for attorneys.

8 2. “State agency” means an office, commission, department, independent
9 agency, or board in the executive branch of state government, except the following:

10 a. The public service commission.

11 b. The public defender board.

12 c. The Board of Regents of the University of Wisconsin System.

13 d. The University of Wisconsin Hospitals and Clinics Board.

14 e. The state of Wisconsin investment board.

15 f. The office of the governor.

16 g. The Government Accountability Board.

17 h. The department of justice.

18 i. The employment relations commission.

19 (b) *State agency attorneys and legal staff.* Except as provided in paragraph (c)
20 and subject to paragraph (d), on the effective date of this paragraph all attorney
21 positions in state agencies and all legal staff positions in state agencies are
22 transferred to the division of legal services in the department of administration.

23 (c) *Hearing officers, hearing examiners, and administrative law judges.*

24 1. Except as provided in subdivision 2. and subject to paragraph (d), on the
25 effective date of this subdivision all positions identified by the secretary of

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1 administration as hearing officers, hearing examiners, or administrative law judges
2 are transferred to the division of hearings and appeals in the department of
3 administration.

4 2. Subdivision 1. does not apply to hearing officers, hearing examiners, or
5 administrative law judges in the department of workforce development.

6 (d) *Exceptions.* Paragraphs (b) and (c) do not apply to any of the following:

7 1. State employees working in an office of a district attorney under section
8 978.12 (1) (b) or (c) of the statutes.

9 2. One lead attorney in the office of state employment relations whose duties
10 include the negotiation and interpretation of collective bargaining agreements
11 entered into under subchapter V of chapter 111 of the statutes.

12 3. One attorney position in each of the following state agencies, identified by
13 the secretary of administration as the general counsel or lead attorney position:

14 a. Department of administration.

15 b. Department of agriculture, trade and consumer protection.

16 c. Department of children and families.

17 d. Department of commerce.

18 e. Department of corrections.

19 f. Department of employee trust funds.

20 g. Department of financial institutions.

21 h. Department of health and family services.

22 i. Department of military affairs.

23 j. Department of natural resources.

24 k. Department of public instruction.

25 l. Department of regulation and licensing.

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1 m. Department of revenue.

2 n. Department of transportation.

3 o. Department of veterans affairs.

4 p. Department of workforce development.

5 q. Office of the commissioner of insurance.

6 (e) *Incumbents.* All incumbent employees holding positions that are
7 transferred under paragraphs (b), and (c) are transferred on the effective date of this
8 paragraph to the department of administration. Employees transferred under these
9 paragraphs have all the rights and the same status under subchapter V of chapter
10 111 and chapter 230 of the statutes in the department of administration that they
11 enjoyed in their respective state agencies immediately before the transfer.
12 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
13 has attained permanent status in class is required to serve a probationary period.

14 (f) *Materials.* On the effective date of this paragraph, all equipment, supplies,
15 and furniture required for the provision of legal services by employees transferred
16 under paragraphs (b) and (c) are transferred to the department of administration.
17 The secretary of administration shall identify the equipment, supplies, and
18 furniture to be transferred.

19 (2) CHILD CARE QUALITY RATING SYSTEM. By June 30, 2009, the department of
20 children and families shall rate the quality of the child care provided by all child care
21 providers that, on that date, hold a license under section 48.65 of the statutes and
22 are providing child care that is reimbursed under section 49.155 of the statutes, as
23 affected by this act, as required under section 48.658 of the statutes, as created by
24 this act.

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1 (1m) INDIAN CHILD HIGH-COST OUT-OF-HOME CARE PLACEMENT FUNDING.
2 Notwithstanding section 16.54 (12) (b) of the statutes, as affected by SECTION 95 of
3 this act, and section 48.567 (1) and (2) of the statutes, as created by this act, in fiscal
4 year 2008–09 the department of children and families may expend not more than
5 \$500,000 in moneys received in fiscal year 2006–07 or 2007–08 and credited to the
6 appropriation accounts under section 20.437 (3) (mm) or (mp) of the statutes, as
7 created by this act, less any moneys expended under section 9121 (1m) of this act for
8 unexpected or unusually high-cost out-of-home care placements of Indian children
9 by tribal courts. The department of children and families may expend moneys under
10 this subsection only if that department determines in light of overall child welfare
11 needs and after paying federal disallowances under section 20.437 (3) (mm) of the
12 statutes, as created by this act, that there are sufficient moneys in the appropriation
13 accounts under section 20.437 (3) (mm) and (mp) of the statutes, as created by this
14 act, to expend for that purpose.

15 (3) INITIAL TERMS OF BOARD MEMBERS. Notwithstanding the lengths of terms of
16 the members of the board of directors of the Healthy Wisconsin Authority specified
17 in section 238.05 (1) (intro.) of the statutes, as created by this act, the initial members
18 shall be appointed for the following terms:

19 (a) The 4 members specified under section 238.05 (1) (a) to (d) of the statutes,
20 as created by this act, for terms that expire on July 1, 2009.

21 (b) Four members specified under section 238.05 (1) (e) of the statutes, as
22 created by this act, for terms that expire on July 1, 2010.

23 (c) Five members specified under section 238.05 (1) (e) of the statutes, as
24 created by this act, for terms that expire on July 1, 2011.

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1 (4) PROVISIONAL APPOINTMENTS OF BOARD MEMBERS. Notwithstanding the
2 requirement for senate confirmation of the appointment of the members of the board
3 of directors of the Healthy Wisconsin Authority under section 238.05 (1) (e) of the
4 statutes, as created by this act, the initial members may be provisionally appointed
5 by the governor, subject to confirmation by the senate. Any such appointment shall
6 be in full force until acted upon by the senate, and when confirmed by the senate shall
7 continue for the remainder of the term, or until a successor is chosen and qualifies.
8 A provisional appointee may exercise all of the powers and duties of the office to
9 which such person is appointed during the time in which the appointee qualifies.
10 Any appointment made under this subsection that is withdrawn or rejected by the
11 senate shall lapse. When a provisional appointment lapses, a vacancy occurs.
12 Whenever a new legislature is organized, any appointments then pending before the
13 senate shall be referred by the president to the appropriate standing committee of
14 the newly organized senate.

SECTION 9201. Fiscal changes; Administration.

15 (1) LAPSE OR TRANSFER OF ANY UNENCUMBERED MONEYS IN APPROPRIATION ACCOUNTS
16 AND FUNDS.
17

18 (a) Notwithstanding sections 20.001 (3) (a) to (c) and 25.40 (3) of the statutes,
19 but subject to paragraph (b), the secretary of administration shall lapse to the
20 general fund or transfer to the general fund from the unencumbered balances of state
21 operations appropriations, other than sum sufficient appropriations and
22 appropriations of federal revenues, an amount equal to \$40,000,000 during each
23 fiscal year of the 2007–09 and 2009–11 fiscal biennia.

24 (b) The secretary of administration may not lapse or transfer moneys under
25 paragraph (a) if the lapse or transfer would violate a condition imposed by the federal

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1 government on the expenditure of the moneys or if the lapse or transfer would violate
2 the federal or state constitution.

3 **SECTION 9202. Fiscal changes; Aging and Long-Term Care Board.**

4 **SECTION 9203. Fiscal changes; Agriculture, Trade and Consumer**
5 **Protection.**

6 (1) TRANSFER FROM AGRICULTURAL CHEMICAL CLEANUP FUND FOR FOOD REGULATION.
7 There is transferred from the agricultural chemical cleanup fund to the
8 appropriation account under section 20.115 (1) (gb) of the statutes \$250,000 in fiscal
9 year 2007–08 and \$100,000 in fiscal year 2008–09.

10 (2) TRANSFER FROM AGRICULTURAL CHEMICAL CLEANUP FUND FOR ANIMAL HEALTH
11 REGULATION. There is transferred from the agricultural chemical cleanup fund to the
12 appropriation account under section 20.115 (2) (ha) of the statutes \$125,000 in fiscal
13 year 2007–08 and \$125,000 in fiscal year 2008–09.

14 **SECTION 9204. Fiscal changes; Arts Board.**

15 **SECTION 9205. Fiscal changes; Building Commission.**

16 **SECTION 9206. Fiscal changes; Child Abuse and Neglect Prevention**
17 **Board.**

18 **SECTION 9207. Fiscal changes; Circuit Courts.**

19 **SECTION 9208. Fiscal changes; Commerce.**

20 (1) PETROLEUM INSPECTION FUND TRANSFER. There is transferred from the
21 petroleum inspection fund to the general fund \$4,000,000 in fiscal year 2007–08.

22 **SECTION 9209. Fiscal changes; Corrections.**

23 **SECTION 9210. Fiscal changes; Court of Appeals.**

24 **SECTION 9211. Fiscal changes; District Attorneys.**

25 **SECTION 9212. Fiscal changes; Educational Communications Board.**

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1 **SECTION 9213. Fiscal changes; Elections Board.**

2 **SECTION 9214. Fiscal changes; Employee Trust Funds.**

3 **SECTION 9215. Fiscal changes; Employment Relations Commission.**

4 **SECTION 9216. Fiscal changes; Ethics Board.**

5 **SECTION 9217. Fiscal changes; Financial Institutions.**

6 **SECTION 9218. Fiscal changes; Fox River Navigational System**
7 **Authority.**

8 **SECTION 9219. Fiscal changes; Governor.**

9 **SECTION 9220. Fiscal changes; Health and Educational Facilities**
10 **Authority.**

11 **SECTION 9221. Fiscal changes; Health and Family Services.**

12 **SECTION 9222. Fiscal changes; Higher Educational Aids Board.**

13 **SECTION 9223. Fiscal changes; Historical Society.**

14 **SECTION 9224. Fiscal changes; Housing and Economic Development**
15 **Authority.**

16 **SECTION 9225. Fiscal changes; Insurance.**

17 (1) REPEAL OF SUPPORT SERVICES APPROPRIATION. The unencumbered balance in
18 the appropriation account under section 20.145 (1) (k), 2005 stats., is transferred to
19 the appropriation account under section 20.145 (1) (g) of the statutes, as affected by
20 this act.

21 (2) HEALTH CARE QUALITY FUND. Notwithstanding section 655.27 (6) of the
22 statutes, there is transferred from the injured patients and families compensation
23 fund to the health care quality fund \$175,000,000 in fiscal year 2007–08.

24 **SECTION 9226. Fiscal changes; Investment Board.**

25 **SECTION 9227. Fiscal changes; Joint Committee on Finance.**

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1 **SECTION 9228. Fiscal changes; Judicial Commission.**

2 **SECTION 9229. Fiscal changes; Justice.**

3 **SECTION 9230. Fiscal changes; Legislature.**

4 **SECTION 9231. Fiscal changes; Lieutenant Governor.**

5 **SECTION 9232. Fiscal changes; Lower Wisconsin State Riverway Board.**

6 **SECTION 9233. Fiscal changes; Medical College of Wisconsin.**

7 **SECTION 9234. Fiscal changes; Military Affairs.**

8 (1) MAJOR DISASTER ASSISTANCE. In addition to the amounts in the schedule, in
9 the schedule under section 20.005 (3) of the statutes for the appropriation to the
10 department of military affairs under section 20.465 (3) (s) of the statutes, as affected
11 by the acts of 2007, the dollar amount is increased by an amount equal to the
12 unencumbered balance in the appropriation under section 20.465 (3) (s), 2005 stats.,
13 immediately before the lapse of any money remaining in that appropriation on June
14 30, 2007.

15 **SECTION 9235. Fiscal changes; Natural Resources.**

16 (1) RECREATIONAL BOATING AIDS LAPSE. Notwithstanding section 20.001 (3) (c) of
17 the statutes, on the effective date of this subsection, there is lapsed to the
18 conservation fund \$1,400,000 from the appropriation account to the department of
19 natural resources under section 20.370 (5) (cq) of the statutes.

20 (2) LAKE MANAGEMENT AND INVASIVE SPECIES CONTROL GRANTS LAPSE.
21 Notwithstanding section 20.001 (3) (c) of the statutes, on the effective date of this
22 subsection, there is lapsed to the conservation fund \$150,000 from the appropriation
23 account to the department of natural resources under section 20.370 (6) (ar) of the
24 statutes.

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1 (3) BOATING ACCESS LAPSE. Notwithstanding section 20.001 (3) (c) of the
2 statutes, on the effective date of this subsection, there is lapsed to the conservation
3 fund \$311,700 from the appropriation account to the department of natural
4 resources under section 20.370 (7) (ft) of the statutes.

5 (4) MISSISSIPPI AND ST. CROIX RIVERS MANAGEMENT LAPSE. Notwithstanding
6 section 20.001 (3) (c) of the statutes, on the effective date of this subsection, there is
7 lapsed to the conservation fund \$224,200 from the appropriation account to the
8 department of natural resources under section 20.370 (7) (fw) of the statutes.

9 (5) RECYCLING FUND TRANSFER. There is transferred from the recycling fund to
10 the general fund \$13,000,000 in fiscal year 2007–08 and \$20,000,000 in fiscal year
11 2008–09.

12 **SECTION 9236. Fiscal changes; Public Defender Board.**

13 **SECTION 9237. Fiscal changes; Public Instruction.**

14 **SECTION 9238. Fiscal changes; Public Lands, Board of Commissioners**
15 **of.**

16 **SECTION 9239. Fiscal changes; Public Service Commission.**

17 **SECTION 9240. Fiscal changes; Regulation and Licensing.**

18 **SECTION 9241. Fiscal changes; Revenue.**

19 (1) PROPERTY ASSESSMENT MANUAL COSTS. Notwithstanding section 20.001 (3) (a)
20 to (c) of the statutes, the secretary of administration shall, during the 2008–09 fiscal
21 year, lapse to the general fund from the general program revenue appropriations
22 under section 20.566 of the statutes an amount equal to the amount by which the
23 amount credited to the appropriation account under section 20.566 (2) (hi) of the
24 statutes during the 2007–08 fiscal year exceeded the amount appropriated to the

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1 department of revenue under section 20.566 (2) (hi) of the statutes in the 2007–08
2 fiscal year.

3 **SECTION 9242. Fiscal changes; Secretary of State.**

4 **SECTION 9243. Fiscal changes; State Employment Relations, Office of.**

5 **SECTION 9244. Fiscal changes; State Fair Park Board.**

6 **SECTION 9245. Fiscal changes; Supreme Court.**

7 **SECTION 9246. Fiscal changes; Technical College System.**

8 **SECTION 9247. Fiscal changes; Tourism.**

9 **SECTION 9248. Fiscal changes; Transportation.**

10 **SECTION 9249. Fiscal changes; Treasurer.**

11 **SECTION 9250. Fiscal changes; University of Wisconsin Hospitals and**
12 **Clinics Authority.**

13 **SECTION 9251. Fiscal changes; University of Wisconsin Hospitals and**
14 **Clinics Board.**

15 **SECTION 9252. Fiscal changes; University of Wisconsin System.**

16 **SECTION 9253. Fiscal changes; Veterans Affairs.**

17 **SECTION 9254. Fiscal changes; Workforce Development.**

18 (1) UNEMPLOYMENT INSURANCE APPROPRIATION BALANCE TRANSFERS. The
19 unencumbered balances in the appropriation accounts under section 20.445 (1) (ge),
20 (gf), (gg), and (gi) of the statutes are transferred to the appropriation account under
21 section 20.445 (1) (gd) of the statutes, as affected by this act.

22 **SECTION 9255. Fiscal changes; other.**

23 **SECTION 9301. Initial applicability; Administration.**

24 **SECTION 9302. Initial applicability; Aging and Long–Term Care**
25 **Board.**

SENATE BILL 40**SECTION 9303**

1 **SECTION 9303. Initial applicability; Agriculture, Trade and Consumer**
2 **Protection.**

3 (1) PLANT INDUSTRY PENALTIES. The renumbering and amendment of section
4 94.77 of the statutes and the creation of section 94.77 (2) and (3) of the statutes first
5 apply to violations committed on the effective date of this subsection.

6 (2) FARMLAND PRESERVATION CONVERSION FEES. The treatment of sections 91.17
7 (1), (2), and (3), 91.19 (2) (intro.), (3), (5), (6t), (7), (7m), and (8) to (13), 91.23, 91.75
8 (6), 91.77 (2), and 91.79 of the statutes first applies to land that is released or
9 relinquished from a farmland preservation agreement or rezoned from exclusive
10 agricultural zoning on the effective date of this subsection.

11 **SECTION 9304. Initial applicability; Arts Board.**

12 **SECTION 9305. Initial applicability; Building Commission.**

13 **SECTION 9306. Initial applicability; Child Abuse and Neglect**
14 **Prevention Board.**

15 **SECTION 9307. Initial applicability; Circuit Courts.**

16 (1) COURT INTERPRETERS. The treatment of section 885.38 (3) (a) (intro.) and (8)
17 (a) (intro.) of the statutes first applies to actions commenced on the effective date of
18 this subsection.

19 **SECTION 9308. Initial applicability; Commerce.**

20 (1) WISCONSIN DEVELOPMENT FUND RESTRUCTURING. The treatment of sections
21 20.143 (1) (c) and (ie), 84.185 (1) (ce) and (cm), 243.01 (4n) (a) 3m. e., 292.11 (7) (d)
22 1m. b., 292.255, 560.045 (1), 560.135 (5) (a) and (b), 560.14 (1) (ar), 560.145, 560.147,
23 560.15 (2) (d), 560.16, 560.17 (1) (am) and (bm), 560.175, 560.26, 560.60 (1m), (1v),
24 (3), (3m), (4), (8), (10), (11), (13), (15), (17), and (18m), 560.605 (1) (intro.), (a), (b), (c),
25 (d), (e), (f), (g), (h), (i), and (p), (2) (intro.), (a), (b), (c), (d), (e), and (f), (2m) (intro.), (c),

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1 (d), and (e), (4), (5), (5m), and (6), 560.607 (1), 560.61 (intro.), (1), and (3), 560.62,
2 560.63, 560.65, 560.66, and 560.68 (1m), (2m), (3), (6), and (7) (a) of the statutes, the
3 renumbering and amendment of section 560.68 (5) of the statutes, and the creation
4 of section 560.68 (5) (a) of the statutes first apply to applications for grants and loans
5 received on the effective date of this subsection.

6 **SECTION 9309. Initial applicability; Corrections.**

7 (1) REVOCATION OF CONDITIONAL RELEASE. The treatment of section 971.17 (3) (e)
8 of the statutes first applies to persons who are detained on the effective date of this
9 subsection.

10 **SECTION 9310. Initial applicability; Court of Appeals.**

11 **SECTION 9311. Initial applicability; District Attorneys.**

12 **SECTION 9312. Initial applicability; Educational Communications**
13 **Board.**

14 **SECTION 9313. Initial applicability; Elections Board.**

15 **SECTION 9314. Initial applicability; Employee Trust Funds.**

16 (1) DOMESTIC PARTNER BENEFITS FOR STATE EMPLOYEES AND ANNUITANTS. The
17 treatment of section 40.02 (21c) and (21d) of the statutes, the renumbering and
18 amendment of section 40.02 (20) of the statutes, and the creation of section 40.02 (20)
19 (b) of the statutes first apply to coverage under group insurance plans offered by the
20 group insurance board on January 1, 2009.

21 (2) WISCONSIN RETIREMENT SYSTEM BENEFITS FOR EDUCATIONAL SUPPORT
22 PERSONNEL EMPLOYEES. The treatment of sections 40.02 (17) (intro.) and (33) (d) and
23 40.22 (2) (a), (2m) (intro.) and (a), and (3) (b) of the statutes first applies to the
24 calculation of benefits provided to participants in the Wisconsin Retirement System

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1 who are participating employees in the Wisconsin Retirement System on the
2 effective date of this subsection.

3 **SECTION 9315. Initial applicability; Employment Relations**
4 **Commission.**

5 (1) QUALIFIED ECONOMIC OFFERS. The treatment of section 111.70 (1) (b), (dm),
6 (fm), and (nc) and (4) (cm) 5., 5s., 6. a. and am., 7., 7g., and 7r. (intro.), 8m. a., b., and
7 c., 8p., and 8s., (cn), and (d) 2. a. of the statutes first applies to petitions for arbitration
8 that relate to collective bargaining agreements that cover periods beginning on or
9 after July 1, 2007, and that are filed under section 111.70 (4) (cm) 6. of the statutes,
10 as affected by this act, on the effective date of this subsection.

11 **SECTION 9316. Initial applicability; Ethics Board.**

12 **SECTION 9317. Initial applicability; Financial Institutions.**

13 **SECTION 9318. Initial applicability; Fox River Navigational System**
14 **Authority.**

15 **SECTION 9319. Initial applicability; Governor.**

16 **SECTION 9320. Initial applicability; Health and Educational Facilities**
17 **Authority.**

18 **SECTION 9321. Initial applicability; Health and Family Services.**

19 (1) SERVICE PROVIDER AUDIT REQUIREMENT. The treatment of sections 46.036 (4)
20 (c) (by SECTION 828) and 301.08 (2) (d) 3. (by SECTION 3103) of the statutes first applies
21 to contracts entered into or renewed on the effective date of this subsection.

22 (2) NURSING HOME CONTESTED ACTION OR FORFEITURE TIME LIMITS. The treatment
23 of section 50.04 (4) (e) 1. and (5) (e) of the statutes first applies to a violation of
24 subchapter I of chapter 50 of the statutes or of a rule promulgated under subchapter

SENATE BILL 40**SECTION 9321**

1 I of chapter 50 of the statutes that is committed on the effective date of this
2 subsection.

3 (3) OUT-OF-HOME PLACEMENTS OF CHILDREN.

4 (a) *Juvenile court reports.* The treatment of section 48.425 (1) (c) of the statutes
5 first applies to reports filed with the court assigned to exercise jurisdiction under
6 chapters 48 and 938 of the statutes on the effective date of this paragraph.

7 (b) *Orders placing child outside home.* The treatment of sections 48.21 (5) (c),
8 48.235 (4) (b) and (4m) (b), 48.355 (2) (b) 1. and 6g., 48.357 (1) (am) 3. and (c) 3., (2m)
9 (c), and (2v) (a) 1m., 48.38 (2) (intro.), 48.417 (2) (c), 48.43 (1) (am) and (cm), 767.41
10 (3) (a) (with respect to transferring legal custody of a child to the department of
11 health and family services) and (am), 767.451 (7) (with respect to transferring legal
12 custody of a child to the department of health and family services), 938.21 (5) (c),
13 938.235 (4) (b), 938.32 (1) (c) 1. d., 938.355 (2) (b) 1. and 6g., (6) (d) 1., and (6m) (a)
14 1g., 938.357 (1) (am) 3. and (c) 3., (2m) (c), and (2v) (a) 1m., and 938.38 (2) (intro.) of
15 the statutes, the renumbering and amendment of sections 48.21 (5) (b) 1., 48.32 (1)
16 (b) 1., and 938.21 (5) (b) 1. of the statutes and the creation of sections 48.21 (5) (b) 1.
17 d., 48.32 (1) (b) 1. d., and 938.21 (5) (b) 1. d. of the statutes first apply to court orders
18 granted on the effective date of this paragraph.

19 (c) *Voluntary agreements placing child outside home.* The treatment of sections
20 48.63 (1) and 48.75 (1g) (c) 1. of the statutes first applies to voluntary agreements
21 placing a child outside the home entered into on the effective date of this paragraph.

22 (4) MEDICAL ASSISTANCE ASSET TRANSFER CHANGES.

23 (a) *Eligibility changes.* The treatment of section 49.47 (4) (a) (intro.), (bm), and
24 (cr) of the statutes first applies to individuals who apply or are recertified for medical
25 assistance on the effective date of this paragraph.

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1 (b) *Divestment changes.* The treatment of section 49.453 (1) (f) (intro.), 1., 2.,
2 and 2m. and (fm), (3) (b) (intro.) and (bc), (4) (a), (ac), (am), (b), (c), (cm), (d), (e), and
3 (em), (4c), and (4m) of the statutes, the renumbering and amendment of section
4 49.453 (3) (a) and (8) of the statutes, the creation of section 49.453 (3) (a) 2. and (8)
5 (b) of the statutes first apply to individuals who apply for or are receiving medical
6 assistance for nursing facility services or other long-term care services on the
7 effective date of this paragraph.

8 (c) *Continuing care contracts.* The treatment of section 647.05 (2m) of the
9 statutes first applies to contracts entered into on the effective date of this paragraph.

10 (5) **BACKGROUND CHECKS OF FOSTER AND ADOPTIVE HOMES.** The treatment of
11 sections 48.685 (1) (bg) and (d), (2) (b) 1. (intro.) and (c), (3) (a) and (b), (4m) (b) (intro.),
12 and (5) (a) and (bm) (intro.), and 48.88 (2) (am) of the statutes first applies to a person
13 who applies for a license to operate a foster home or treatment foster home or for an
14 investigation of a proposed adoptive home on the effective date of this subsection.

15 (6) **APPROVAL OF FINANCIAL ASSISTANCE.** The treatment of sections 146.75 (3) (d),
16 146.76, 231.03 (intro.), and 231.035 of the statutes first applies to applications for
17 financial assistance made by a health facility or participating health institution
18 under section 231.03 of the statutes, as affected by this act, on the effective date of
19 this subsection.

20 (7) **DISPROPORTIONATE SHARE HOSPITALS.** The treatment of sections 49.02 (2) (c)
21 and 49.45 (6z) (a) (by SECTION 1538) of the statutes first applies to indigent care
22 agreements entered into on the effective date of this subsection.

23 (8) **SOCIAL SECURITY NUMBER EXEMPTION.** The renumbering and amendment of
24 section 49.82 (2) of the statutes and the creation of section 49.82 (2) (b) of the statutes
25 first apply to applications received on the effective date of this subsection.

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1 (9) **INSURANCE CLAIM INTERCEPT.** If any insurance policy that is in effect on the
2 effective date of this subsection contains a provision that is inconsistent with the
3 treatment of section 49.895 of the statutes, the treatment of section 49.895 of the
4 statutes first applies to that policy on the date on which it is renewed.

5 **SECTION 9322. Initial applicability; Higher Educational Aids Board.**

6 (1) **WISCONSIN HIGHER EDUCATION GRANTS.** The treatment of section 39.435 (3)
7 of the statutes first applies to Wisconsin higher education grants awarded by the
8 higher educational aids board for the 2007–08 academic year.

9 (2) **REMISSION OF FEES FOR VETERANS AND DEPENDENTS.** The treatment of sections
10 20.235 (1) (fz), 36.27 (3n) (c) and (3p) (c), 38.24 (7) (c) and (8) (c), and 39.50 of the
11 statutes first applies to students who enroll for classes in the 2007–08 academic year.

12 (3) **WISCONSIN COVENANT SCHOLARS PROGRAM.** The treatment of sections 20.235
13 (1) (fm) and 39.437 of the statutes first applies to students who enroll in a public or
14 private, nonprofit, accredited, institution of higher education or in a tribally
15 controlled college in this state in the 2011–12 academic year.

16 **SECTION 9323. Initial applicability; Historical Society.**

17 **SECTION 9324. Initial applicability; Housing and Economic**
18 **Development Authority.**

19 **SECTION 9325. Initial applicability; Insurance.**

20 (1) **HEALTH INSURANCE; TREATMENT RESTRICTION OR TERMINATION; CLAIM FORMS.**

21 (a) Except as provided in paragraph (b), the treatment of sections 632.726,
22 632.857, and 632.875 (2) (g) of the statutes first applies to claims for insurance
23 coverage that are submitted to an insurer on the effective date of this paragraph.

24 (b) If a health insurance policy or plan that is in effect on the effective date of
25 this paragraph contains a provision that is inconsistent with the treatment of section

SENATE BILL 40**SECTION 9325**

1 632.726, 632.857, or 632.875 (2) (g) of the statutes, the treatment of section 632.726,
2 632.857, or 632.875 (2) (g) of the statutes, whichever is applicable, first applies to
3 that health insurance policy or plan on the date on which it is renewed.

4 (2) COVERAGE OF TREATMENT FOR AUTISM SPECTRUM DISORDERS. The treatment of
5 sections 40.51 (8) and (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g), 185.981 (4t),
6 185.983 (1) (intro.), 609.87, and 632.895 (15) of the statutes first applies to all of the
7 following:

8 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
9 that are issued or renewed, and self-insured governmental or school district health
10 plans that are established, extended, modified, or renewed, on the effective date of
11 this paragraph.

12 (b) Disability insurance policies covering employees who are affected by a
13 collective bargaining agreement containing provisions inconsistent with this act
14 that are issued or renewed on the earlier of the following:

15 1. The day on which the collective bargaining agreement expires.

16 2. The day on which the collective bargaining agreement is extended, modified,
17 or renewed.

18 (c) Self-insured governmental or school district health plans covering
19 employees who are affected by a collective bargaining agreement containing
20 provisions inconsistent with this act that are established, extended, modified, or
21 renewed on the earlier of the following:

22 1. The day on which the collective bargaining agreement expires.

23 2. The day on which the collective bargaining agreement is extended, modified,
24 or renewed.

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1 (3) LIMITS FOR MENTAL HEALTH AND DRUG ABUSE COVERAGE. The treatment of
2 section 632.89 (1) (am) and (2) (b) 1., (c) 2. b., (d) 2., (dm) 2., and (f) of the statutes first
3 applies to a policy issued, renewed, or modified on the first day of the 13th month
4 beginning after publication.

5 **SECTION 9326. Initial applicability; Investment Board.**

6 **SECTION 9327. Initial applicability; Joint Committee on Finance.**

7 **SECTION 9328. Initial applicability; Judicial Commission.**

8 **SECTION 9329. Initial applicability; Justice.**

9 (1) HAZARDOUS WASTE COST RECOVERY. The treatment of section 291.97 (3) of the
10 statutes first applies to actions commenced on the effective date of this subsection.

11 (2) FALSE CLAIMS. The treatment of sections 16.771, 16.871, 23.41 (5), 25.18 (1)
12 (a), (f), and (m), 66.0902. 84.01 (13), 84.06 (2) (a), (3), and (4), 85.015, 102.81 (2),
13 221.0903 (4) (b), and 655.27 (2) of the statutes first applies with respect to false
14 claims that are presented or caused to be presented on the effective date of this
15 subsection.

16 (3) FIREARMS RESTRICTIONS RECORD SEARCH. The treatment of section 175.35 (2i)
17 of the statutes first applies to firearms restrictions record searches requested on the
18 effective date of this subsection.

19 (4) SEXUAL ASSAULT FORENSIC EXAMS. The treatment of section 20.455 (5) (d) of
20 the statutes and subchapter II of chapter 949 of the statutes first applies to
21 examinations conducted on the effective date of this subsection.

22 (5) PENALTY SURCHARGE. The treatment of section 757.05 (1) (a) of the statutes
23 first applies to offenses committed on the effective date of this subsection.

24 **SECTION 9330. Initial applicability; Legislature.**

25 **SECTION 9331. Initial applicability; Lieutenant Governor.**

SENATE BILL 40**SECTION 9332**

1 **SECTION 9332. Initial applicability; Lower Wisconsin State Riverway**
2 **Board.**

3 **SECTION 9333. Initial applicability; Medical College of Wisconsin.**

4 **SECTION 9334. Initial applicability; Military Affairs.**

5 **SECTION 9335. Initial applicability; Natural Resources.**

6 (1) RECYCLING TIPPING FEE. The treatment of section 289.645 (3) of the statutes
7 first applies to solid waste disposed of on July 1, 2007.

8 **SECTION 9336. Initial applicability; Public Defender Board.**

9 (1) REPRESENTATION IN CIVIL COMMITMENT, PROTECTIVE PLACEMENT, AND
10 INVOLUNTARY MEDICATION CASES. The treatment of sections 20.550 (1) (L), 51.15 (9),
11 51.20 (3) and (18) (c), 51.35 (1) (e) 1. and 2. c., 51.45 (12) (b) (intro.), 1., 2., and 3. and
12 (c) 2., 51.45 (13) (b) 2., (d), and (j) and (16) (c), 51.60, 51.605, 55.10 (4) (a), 55.105,
13 55.107, 55.135 (1), 55.14 (7), 55.15 (7) (cm), 55.18 (3) (c) (intro.), 55.19 (3) (c) (intro.),
14 809.30 (2) (d), 967.06 (2) (a) and (b), 977.02 (2m), 977.05 (4) (gm), (h), and (i) 8., 977.06
15 (2) (a) and (am), 977.07 (1) (a) and (c), 977.075 (1g), (3), (3m), and (4), and 977.08 (1)
16 and (2) (intro.) and (d) of the statutes first applies to civil proceedings commencing,
17 emergency detentions or emergency placements occurring, placement transfers
18 occurring, or petitions for, or annual reviews of, court orders for involuntary
19 administration of psychotropic medication commencing on July 1, 2008.

20 **SECTION 9337. Initial applicability; Public Instruction.**

21 (1) SCHOOL BREAKFAST PROGRAMS. The treatment of section 115.341 (1) of the
22 statutes first applies to breakfasts served during the 2007–08 school year.

23 (2) REVENUE LIMIT; DECLINING ENROLLMENT. The treatment of section 121.91 (2m)
24 (e) (intro.), (4) (f) 1. and 1m. b. and c., and (8) of the statutes first applies to the
25 calculation of a school district's revenue limit for the 2007–08 school year.

SENATE BILL 40**SECTION 9337**

1 (3) HIGH SCHOOL GRADUATION REQUIREMENTS. The treatment of section 118.33 (1)
2 (a) 1. of the statutes first applies to pupils graduating from high school in 2011.

3 (4) GRANTS FOR MASTER EDUCATOR LICENSURE. The treatment of sections 20.255
4 (3) (c) and 115.42 (title), (1) (a) 1., 2., and 4. and (b), (2) (a) (intro.), 1., 2., and 4., (3),
5 and (4) (c) of the statutes first applies to persons who were licensed by the
6 department of public instruction as master educators on July 1, 2005.

7 (5) SCHOOL SAFETY MEASURES; REVENUE LIMIT ADJUSTMENT. The treatment of
8 section 121.91 (4) (L) of the statutes first applies to the calculation of a school
9 district's revenue limit for the 2008–09 school year.

10 (6) TEACHER IMPROVEMENT ACTIVITIES; REVENUE LIMIT ADJUSTMENT. The treatment
11 of section 121.91 (4) (m) of the statutes first applies to the calculation of a school
12 district's revenue limit for the 2008–09 school year.

13 (7) FUNDING OF MILWAUKEE PARENTAL CHOICE PROGRAM. The renumbering and
14 amendment of section 121.08 (4) (b) of the statutes and the creation of section 121.08
15 (4) (b) 1., 2., and 3. of the statutes first apply to state aid paid in the 2007–08 school
16 year.

17 **SECTION 9338. Initial applicability; Public Lands, Board of**
18 **Commissioners of.**

19 **SECTION 9339. Initial applicability; Public Service Commission.**

20 **SECTION 9340. Initial applicability; Regulation and Licensing.**

21 (1) FINGERPRINTS; PRIVATE DETECTIVE LICENSES AND PRIVATE SECURITY PERMITS. The
22 treatment of sections 440.03 (13) (c) and 440.26 (5) (c) 2. and (5r) of the statutes first
23 applies to applications received by the department of regulation and licensing on the
24 effective date of this subsection.

25 **SECTION 9341. Initial applicability; Revenue.**

SENATE BILL 40**SECTION 9341**

1 (1) VETERANS SERVICE ORGANIZATIONS; PROPERTY TAX. The treatment of section
2 70.11 (9m) of the statutes first applies to the property tax assessments as of January
3 1, 2007.

4 (2) VETERANS SERVICE ORGANIZATIONS; INCOME AND FRANCHISE TAX. The treatment
5 of section 71.26 (1) (am) of the statutes first applies to to taxable years beginning on
6 January 1 of the year in which this subsection takes effect, except that if this
7 subsection takes effect after July 31 the treatment of section 71.26 (1) (am) of the
8 statutes first applies to taxable years beginning on January 1 of the year following
9 the year in which this subsection takes effect.

10 (3) DEVELOPMENT ZONES TAX CREDITS. The treatment of sections 71.07 (2dj) (am)
11 4h. and (2dx) (a) 5. and (b) 2., 3., 4., and 5., 71.28 (1dj) (am) 4h. and (1dx) (a) 5. and
12 (b) 2., 3., 4., and 5., 71.47 (1dj) (am) 4h. and (1dx) (a) 5. and (b) 2., 3., 4., and 5., and
13 76.636 (1) (e) and (2) (b), (c), (d), and (e) of the statutes first applies to taxable years
14 beginning on January 1, 2008.

15 (4) DIRECT MARKETING OF CIGARETTES AND TOBACCO PRODUCTS. The treatment of
16 sections 77.61 (11), 100.20 (1n), 100.30 (2) (c) 1. b. and (L) (intro.) and 2., 134.65 (1),
17 (1n), (1r), and (2) (a), 134.66 (2) (d) and (3m), 139.30 (4n), (7), and (8s), 139.32 (4),
18 139.321 (1) (intro.) and (a) 1., 139.34 (1) (a), (b), (c) 1., 1m., 2., 3., 4., 4m., 5., 6., and
19 7., and (cm), (4), (6), and (8), 139.345 (1) (a), (b), and (d), (3) (intro.) and (a) (intro.)
20 and 2., (7) (a), (8), (9), (10), (11), and (12), 139.37 (1) (a), 139.40 (1) and (2), 139.44
21 (1m), (2), (3), (4), (5), (6), (6m), (7), and (13), 139.75 (2), (3g), (3r), (4) (a), (c), and (cm),
22 (4n), (5s), (7), and (8), 139.76 (3), 139.78 (1m), 139.79 (title), (1), and (2), 139.795,
23 139.81 (1) and (2), 139.86, 139.87, and 995.12 (5) (a) of the statutes, the renumbering
24 and amendment of section 134.65 (5) of the statutes, and the creation of section

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1 134.65 (5) (b) of the statutes first apply to sales of cigarettes and tobacco products
2 made on the effective date of this subsection.

3 (5) WITHHOLDING TAX ON NONRESIDENT MEMBERS OF PASS-THROUGH ENTITIES. The
4 treatment of sections 71.775 (3) (a) 2. and 3. and (4) (b) 2., (d), and (f), and 71.83 (1)
5 (a) 1. of the statutes first applies retroactively to taxable years beginning on January
6 1, 2006.

7 (6) ENTERPRISE ZONE JOBS CREDIT. The repeal of sections 71.07 (3w) (bm) 3., 71.28
8 (3w) (bm) 3., and 71.47 (3w) (bm) 3. of the statutes, the consolidation, renumbering
9 and amendment of 71.07 (3w) (bm) (intro.) and 4., 71.28 (3w) (bm) (intro.) and 4., and
10 71.47 (3w) (bm) (intro.) and 4. of the statutes, the amendment of sections 71.07 (3w)
11 (a) 6., (b) 1. a. and b., 2., 3., and 4., and (d), 71.28 (3w) (a) 6., (b) 1. a. and b., 2., 3., and
12 4., and (d), and 71.47 (3w) (a) 6., (b) 1. a. and b., 2., 3., and 4., and (d) of the statutes,
13 and the creation of sections 71.07 (3w) (a) 5m., 71.28 (3w) (a) 5m., 71.47 (3w) (a) 5m.,
14 and 560.799 (6) (e) and (f) of the statutes first apply to taxable years beginning on
15 July 1, 2007.

16 (7) EARLY STAGE SEED AND ANGEL INVESTMENT CREDITS. The renumbering of
17 sections 71.07 (5b) (d), 71.28 (5b) (d), and 71.47 (5b) (d) of the statutes and the
18 creation of sections 71.07 (5b) (d) 2. and (5d) (d) 4., 71.28 (5b) (d) 2., and 71.47 (5b)
19 (d) 2. of the statutes first apply to taxable years beginning on January 1, 2007.

20 (8) ADDITIONS TO FEDERAL ADJUSTED GROSS INCOME; NONRESIDENTS, PART-YEAR
21 RESIDENTS. The treatment of section 71.05 (6) (a) 21., 22., and 23. of the statutes first
22 applies to taxable years beginning on January 1 of the year in which this subsection
23 takes effect, except that if this subsection takes effect after July 31 the treatment of
24 section 71.05 (6) (a) 21., 22., and 23. of the statutes first applies to taxable years

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1 beginning on January 1 of the year following the year in which this subsection takes
2 effect.

3 (9) COVENANT NOT TO COMPETE. The treatment of sections 71.02 (1) and 71.04
4 (1) (a) of the statutes first applies to taxable years beginning on January 1, 2007.

5 (10) FIRST DOLLAR PROPERTY TAX CREDIT. The treatment of sections 20.835 (3) (b),
6 74.09 (3) (b) 6m. and 7., 79.10 (1m) (b), (5), (5m), (6m) (a), (7m) (c), (9) (bn) and (c) 3.,
7 and (11) (d) and 79.15 of the statutes, the renumbering and amendment of section
8 79.10 (2) of the statutes, and the creation of section 79.10 (2) (b) of the statutes first
9 apply to property taxes levied in 2009.

10 (11) REAL ESTATE TRANSFER FEE. The treatment of sections 77.22 (1) and 77.24
11 of the statutes first applies to conveyances that are recorded on the effective date of
12 this subsection, but not to conveyances that are pursuant to a recorded land contract
13 entered into before August 1, 1992.

14 (12) SUBTRACT MODIFICATION FOR TUITION EXPENSES. The treatment of section
15 71.05 (6) (b) 28. (intro.) and h. of the statutes first applies to taxable years beginning
16 on January 1, 2007.

17 (13) DRY CLEANING FEES. The treatment of section 77.9961 (1m) of the statutes
18 first applies to the installment that is due on July 25, 2007.

19 (14) SALES TAX RETURN FILING FEE. The treatment of section 77.58 (9) of the
20 statutes first applies to returns that are filed for the calendar quarter ending on
21 September 30, 2007.

22 (15) OIL COMPANY ASSESSMENT. The treatment of section 25.40 (1) (bd),
23 subchapter XIV of chapter 77, and chapter 77 (title) of the statutes first applies to
24 the sales of motor vehicle fuel on the first day of the 2nd calendar quarter beginning
25 after the effective date of this subsection.

SENATE BILL 40**SECTION 9342**

1 **SECTION 9342. Initial applicability; Secretary of State.**

2 **SECTION 9343. Initial applicability; State Employment Relations,**
3 **Office of.**

4 **SECTION 9344. Initial applicability; State Fair Park Board.**

5 **SECTION 9345. Initial applicability; Supreme Court.**

6 **SECTION 9346. Initial applicability; Technical College System.**

7 (1) FEE REMISSION FOR CHILDREN OF CERTAIN VETERANS. The treatment of section
8 38.24 (7) (b) 3. of the statutes first applies to students enrolled in the 2007–08
9 academic year.

10 (2) TUITION EXEMPTION FOR ALIENS. The treatment of section 38.22 (6) (e) of the
11 statutes first applies to persons who enroll for the semester or session following the
12 effective date of this subsection.

13 **SECTION 9347. Initial applicability; Tourism.**

14 **SECTION 9348. Initial applicability; Transportation.**

15 (1) DMV BACKGROUND INVESTIGATIONS.

16 (a) The treatment of section 110.09 (1) (a) of the statutes first applies to persons
17 selected to fill positions on the effective date of this paragraph.

18 (b) The treatment of section 110.09 (2) of the statutes first applies to persons
19 requesting access to information systems on the effective date of this paragraph.

20 (2) DRIVER LICENSE AGREEMENT.

21 (a) The treatment of sections 343.44 (1) (a), (b), and (c) and (4r) of the statutes,
22 the repeal of sections 343.30 (1q) (c) 1. b. and 343.305 (10) (c) 1. b. of the statutes, and
23 the consolidation, renumbering, and amendment of sections 343.30 (1q) (c) 1. (intro.),
24 a., and c. and 343.305 (10) (c) 1. (intro.), a., and c. of the statutes first apply to offenses
25 committed on the effective date of this paragraph, but do not preclude the counting

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1 of other convictions, suspensions, or revocations as prior convictions, suspensions,
2 or revocations for purposes of administrative action by the department of
3 transportation, sentencing by a court, or revocation or suspension of motor vehicle
4 operating privileges.

5 (b) The treatment of sections 125.07 (4) (cm), 125.085 (3) (bp), 342.12 (4) (a) and
6 (b), 343.06 (2), 343.085 (4), 343.23 (2m), 343.31 (1) (intro.), (2), (2r), and (3) (bm)
7 (intro.), (c), (d) (intro.), (e), (f), (i), and (j), 343.315 (2) (fm), (h), and (j) (intro.) and (3)
8 (bm) and (d), 343.32 (1m) (b) (intro.) and (1s), 343.34 (2), 343.44 (2s), 344.13 (2),
9 344.19 (3) (by SECTION 3408), 346.65 (6) (a) 3. and (km), and 351.02 (1) (intro.) and
10 (1m), 351.027 (2), 351.03, 351.04, 351.05, and 351.06 of the statutes, the repeal of
11 sections 343.31 (1) (hm) and (2m) and 343.32 (1) of the statutes, the renumbering and
12 amendment of sections 343.36 (3) and 351.025 (1) of the statutes, and the creation
13 of sections 343.31 (2z) and (3) (bg), 343.32 (1v), 343.36 (3) (b), (c), and (d), 344.08 (1m),
14 344.14 (1r), 344.25 (7), and 351.025 (1) (b) of the statutes first apply with respect to
15 offenses or refusals for which records, reports, or notices are received by the
16 department of transportation on the effective date of this paragraph, but do not
17 preclude the counting of other convictions, suspensions, or revocations as prior
18 convictions, suspensions, or revocations for purposes of administrative action by the
19 department of transportation, sentencing by a court, or revocation or suspension of
20 motor vehicle operating privileges.

21 (c) The treatment of sections 342.12 (4) (a) and (b) and 343.23 (2) (a) (intro.) (by
22 SECTION 3278) of the statutes and the creation of sections 343.23 (3m) and 343.301
23 (1) (e) and (2) (d) of the statutes first apply with respect to notices received by the
24 department of transportation on the effective date of this paragraph.

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1 (d) The treatment of section 343.03 (5) (a) of the statutes first applies to
2 applications received by the department of transportation on the effective date of this
3 paragraph.

4 (e) The treatment of sections 343.38 (2) (by SECTION 3359) and (4) (intro.),
5 343.39 (1) (a) (by SECTION 3364), 344.18 (1m) (a) and (3m) (a), 344.24, 344.26 (1),
6 344.27 (2), and 344.29 of the statutes and the repeal of section 343.38 (4) (a) and (b)
7 of the statutes first apply to an issuance of operator's licenses or reinstatement of
8 operating privileges or registrations on the effective date of this paragraph.

9 (f) The treatment of sections 344.30 (1), 344.32, 344.33 (1), 344.34, 344.42, and
10 631.37 (4) (e) of the statutes first applies to proof of financial responsibility filed with
11 the secretary of transportation on the effective date of this paragraph.

12 (3) DRIVER IMPROVEMENT SURCHARGE. The treatment of section 346.655 (1) of the
13 statutes first applies to offenses that are committed on the effective date of this
14 subsection.

15 (4) LEMON LAW TAX REFUNDS. The treatment of section 218.0171 (2) (e) and (f)
16 (intro.) and 3. of the statutes first applies to applications for sales tax refunds filed
17 on the effective date of this subsection.

18 (5) FEDERAL SECURITY VERIFICATION MANDATE FEE. The treatment of sections
19 343.10 (6), 343.135 (1) (a) 3. and (7), 343.14 (1), 343.21 (1) (n), 343.22 (3), 343.26,
20 343.265 (2), 343.315 (3) (b), 343.38 (1) (a) and (2), 343.39 (1) (a), 343.50 (1), (5), (5m),
21 and (6) (by SECTION 3384), 344.18 (1) (intro.) and (3) (intro.), 344.19 (3), and 345.47
22 (1) (c) of the statutes first applies to license and identification card applications
23 received by the department of transportation on the effective date of this subsection.

24 **SECTION 9349. Initial applicability; Treasurer.**

SENATE BILL 40**SECTION 9350**

1 **SECTION 9350. Initial applicability; University of Wisconsin Hospitals**
2 **and Clinics Authority.**

3 **SECTION 9351. Initial applicability; University of Wisconsin Hospitals**
4 **and Clinics Board.**

5 **SECTION 9352. Initial applicability; University of Wisconsin System.**

6 (1) FEE REMISSION FOR CHILDREN OF CERTAIN VETERANS. The treatment of section
7 36.27 (3n) (b) 3. of the statutes first applies to students enrolled in the 2007–08
8 academic year.

9 (2) TUITION EXEMPTION FOR ALIENS. The treatment of section 36.27 (2) (cr) of the
10 statutes first applies to persons who enroll for the semester or session following the
11 effective date of this subsection.

12 (3) APPLICATION FEES. The treatment of section 36.11 (3) (d) 1. and 2. of the
13 statutes first applies to applications received on the effective date of this subsection.

14 **SECTION 9353. Initial applicability; Veterans Affairs.**

15 **SECTION 9354. Initial applicability; Workforce Development.**

16 (1) GRANTS FOR CUSTODIAL PARENT OF INFANT UNDER WISCONSIN WORKS.

17 (a) *Eligibility.* The treatment of section 49.148 (1m) (a) (with respect to
18 eligibility of a custodial parent for a grant) of the statutes first applies to individuals
19 who are determined, on the effective date of this paragraph, to be eligible for the
20 Wisconsin Works program under sections 49.141 to 49.161 of the statutes and to be
21 custodial parents of children who are 26 weeks old or less.

22 (b) *Constituting participation in employment position.* The treatment of
23 section 49.148 (1m) (a) (with respect to receipt of grants not constituting
24 participation in a Wisconsin Works employment position) and (b) of the statutes first

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1 applies to grants received under section 49.148 (1m) of the statutes on the effective
2 date of this paragraph.

3 **SECTION 9355. Initial applicability; other.**

4 (1) LAW ENFORCEMENT OFFICERS; APPEAL OF DISCIPLINE. The treatment of section
5 62.13 (5) (i) of the statutes first applies to a person who is suspended, reduced,
6 suspended and reduced, or removed on the effective date of this subsection.

7 **SECTION 9400. Effective dates; general.** Except as otherwise provided in
8 SECTIONS 9401 to 9455 of this act, this act takes effect on July 1, 2007, or on the day
9 after publication, whichever is later.

10 **SECTION 9401. Effective dates; Administration.**

11 **SECTION 9402. Effective dates; Aging and Long-Term Care Board.**

12 **SECTION 9403. Effective dates; Agriculture, Trade and Consumer**
13 **Protection.**

14 (1) FARMLAND PRESERVATION CHANGES. The treatment of sections 71.60 (1) (b) and
15 (c) 3., 5., and 8., 91.13 (8) (fm), 91.17 (1), (2), and (3), 91.19 (2) (intro.), (3), (5), (6p),
16 (6s) (a) 1., (b), (c), and (d), (6t), (7), (7m), and (8) to (13), 91.21 (1), 91.23, 91.59 (title)
17 and (2m), 91.75 (6), 91.77 (2), and 91.79 and subchapter III of chapter 91 of the
18 statutes, the renumbering and amendment of sections 91.06, 91.61, and 91.78 of the
19 statutes, the creation of sections 91.06 (2) and (3), 91.61 (2), and 91.78 (2) of the
20 statutes, and SECTION 9303 (1) of this act take effect on October 1, 2007, or on the day
21 after publication, whichever is later.

22 **SECTION 9404. Effective dates; Arts Board.**

23 **SECTION 9405. Effective dates; Building Commission.**

24 **SECTION 9406. Effective dates; Child Abuse and Neglect Prevention**
25 **Board.**

SENATE BILL 40**SECTION 9407****1 SECTION 9407. Effective dates; Circuit Courts.**

2 (1) DRUG ABUSE PROGRAM IMPROVEMENT SURCHARGE. The treatment of section
3 961.41 (5) (c) of the statutes takes effect on July 1, 2007.

4 SECTION 9408. Effective dates; Commerce.

5 (1) APPROPRIATION REPEAL. The repeal of section 20.143 (2) (gm) of the statutes
6 takes effect on June 30, 2009.

7 SECTION 9409. Effective dates; Corrections.

8 (1) SUPERVISION OF PERSONS ON SUPERVISED RELEASE. The renumbering of section
9 980.08 (9) of the statutes and the creation of section 980.08 (9) (b) of the statutes take
10 effect on July 1, 2007.

11 (2) GPS TRACKING. The treatment of sections 301.48 (1) (b), (d), and (dm), (2)
12 (a) (intro.), 1., 2., 3., 4., and 5., (ag), (b) (intro.), 1., 2, and 3., (c) (intro.) and 2., and
13 (d), (2m), (3) (a) (intro.) 1., 3., (b), and (c), (4) (a) 1., (b), and (c), (6) (title), (a), (b), (c),
14 (d) 1. and 2., (e), (f), (g), (h), and (i), (7) (title), (a), (b), (c), (d), and (e), and (8) (title)
15 and (b) of the statutes takes effect on July 1, 2007.

16 SECTION 9410. Effective dates; Court of Appeals.**17 SECTION 9411. Effective dates; District Attorneys.****18 SECTION 9412. Effective dates; Educational Communications Board.****19 SECTION 9413. Effective dates; Elections Board.****20 SECTION 9414. Effective dates; Employee Trust Funds.**

21 (1) PAYMENT OF HEALTH INSURANCE PREMIUMS FOR STATE EMPLOYEES. The
22 treatment of section 40.05 (4) (a) 2. of the statutes takes effect on July 1, 2008.

23 SECTION 9415. Effective dates; Employment Relations Commission.**24 SECTION 9416. Effective dates; Ethics Board.****25 SECTION 9417. Effective dates; Financial Institutions.**

SENATE BILL 40**SECTION 9418**

1 **SECTION 9418. Effective dates; Fox River Navigational System**
2 **Authority.**

3 **SECTION 9419. Effective dates; Governor.**

4 **SECTION 9420. Effective dates; Health and Educational Facilities**
5 **Authority.**

6 **SECTION 9421. Effective dates; Health and Family Services.**

7 (1) FOSTER CARE RATES. The treatment of section 48.62 (4) of the statutes takes
8 effect on January 1, 2008, or on the day after publication, whichever is later.

9 (2) MEDICAL ASSISTANCE ASSET TRANSFER CHANGES. The treatment of sections
10 49.45 (6m) (m), 49.453 (1) (a), (ar), (d), (e), (f) (intro.), 1., 2., and 2m., (fm), and (i), (3)
11 (b) (intro.) and (bc), (4) (a), (ac), (am), (b), (c), (cm), (d), (e), and (em), (4c), and (4m),
12 49.47 (4) (a) (intro.), (b) 1., (bc), (bm), and (cr), 632.48 (3), 647.02 (2) (g), and 647.04
13 (5) of the statutes, the renumbering and amendment of section 49.453 (3) (a) and (8)
14 and 647.05 of the statutes, the creation of section 49.453 (3) (a) 2. and (8) (b) and
15 647.05 (2m) of the statutes, and SECTION 9321 (2) (a), (b), and (c) of this act take effect
16 on October 1, 2007, or on the first day of the 4th month beginning after publication,
17 whichever is later.

18 (3) BACKGROUND CHECKS OF FOSTER AND ADOPTIVE HOMES AND CHILD ABUSE AND
19 NEGLECT APPEALS. The treatment of sections 48.685 (1) (bg) and (d), (2) (b) 1. (intro.)
20 and (c), (3) (a) and (b), (4m) (b) (intro.), and (5) (a) and (bm) (intro.), 48.88 (2) (am),
21 and 48.981 (3) (c) 8. of the statutes takes effect on January 1, 2008.

22 (4) BADGERCARE PLUS. The treatment of sections 20.435 (4) (b) (by SECTION 383),
23 (bm) (by SECTION 386), (bn) (by SECTION 388), (jw), (jz), and (o), 45.51 (13) (intro.), (a),
24 and (b), 46.206 (1) (bm), 46.22 (1) (b) 1. d., 46.27 (6u) (c) 1. a. and (d) (intro.) and (7)
25 (am) and (b), 46.275 (1m) (a), 46.277 (1m) (a), 46.278 (1m) (b), 46.283 (3) (k), 46.485

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1 (3g), 48.57 (3m) (e) and (3n) (e), 49.22 (2m) (a), (b), and (c) 3. and (6) (by SECTION 1471),
2 49.45 (2) (a) 1. and 3. and (b) 3. and 7. (intro.), (3) (b) 1. and 2., (dm), (f) 2., (L) 2., and
3 (m), (6c) (d) 1. and 2., (8) (a) 4., (9), (18) (ac) and (am), (24g), (29), (35), (42m) (a), (48),
4 (49m) (c) 1., and (53), 49.468 (1) (b) and (c), (1m) (a), and (2) (a), 49.473 (2) (a), 49.49
5 (3m) (a) (intro.), 1., 2. (by SECTION 1633), and 3., 49.497 (title), (1r), and (4), 49.665
6 (4) (ap) 2. and (7) (a) 1., 49.688 (5) (a) (intro.), 49.785 (1) (intro.) and (1c), 49.81 (4),
7 49.82 (2) (b) 1. (by SECTION 1675) and 2. (by SECTION 1676), 49.89 (7) (b), 51.038, 51.04,
8 59.53 (5) (a) (by SECTION 1849), 66.0137 (3), 227.01 (13) (um), 253.10 (3) (d) 1., 302.38
9 (3), 302.386 (1), 449.17 (8), 632.746 (7m) (b) 1., 814.61 (13), and 885.01 (5) (by SECTION
10 3772) of the statutes and the amendment of sections 49.45 (18m) (a) 1. and 49.84 (6)
11 (c) 1. d. and e. of the statutes take effect on the date stated in the Wisconsin
12 Administrative Register by the department of health and family services under
13 section 49.471 (12) (b) of the statutes, as created by this act, as the implementation
14 date for BadgerCare Plus.

15 (5) TRIBAL HIGH-COST OUT-OF-HOME CARE PLACEMENT FUNDING. The treatment of
16 section 16.54 (12) (a) (by SECTION 94) and (b) (by SECTION 96) of the statutes, the
17 amendment of section 20.437 (3) (mm) and (mp) of the statutes, and the repeal and
18 recreation of section 16.54 (12) (d) of the statutes take effect on July 1, 2009.

19 (6) VITAL RECORDS FEE INCREASES. The treatment of sections 20.435 (1) (gm) (by
20 SECTION 333) and (3) (ky) (by SECTION 365), and (kz) (by SECTION 367), 69.12 (1), 69.13
21 (2) (d), 69.15 (3) (b) 1., 69.22 (1) (a), (b), (c), (cm), and (d), (2), (3m), and (5) (a), (b), (bg),
22 and (bj) of the statutes takes effect on the first day of the 3rd month beginning after
23 the effective date of this subsection.

24 (7) LONG-TERM CARE DISTRICTS. The treatment of section 40.02 (28) (by SECTION
25 757) of the statutes takes effect on January 1, 2010.

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1 (8) CUSTODIAL PARENT IN FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM. The
2 amendment of section 49.79 (9) (a) 2. of the statutes takes effect on January 1, 2008.

3 **SECTION 9422. Effective dates; Higher Educational Aids Board.**

4 **SECTION 9423. Effective dates; Historical Society.**

5 **SECTION 9424. Effective dates; Housing and Economic Development**
6 **Authority.**

7 (1) SURPLUS TRANSFER. The treatment of section 234.165 (2) (c) (intro.) (by
8 SECTION 3026) of the statutes and the repeal of section 234.165 (3) of the statutes take
9 effect on June 30, 2009.

10 **SECTION 9425. Effective dates; Insurance.**

11 (1) COVERAGE OF TREATMENT FOR AUTISM SPECTRUM DISORDERS. The treatment of
12 sections 40.51 (8) and (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g), 185.981 (4t),
13 185.983 (1) (intro.), 609.87, and 632.895 (15) of the statutes and SECTION 9325 (2) of
14 this act take effect on the first day of the 7th month beginning after publication.

15 **SECTION 9426. Effective dates; Investment Board.**

16 **SECTION 9427. Effective dates; Joint Committee on Finance.**

17 **SECTION 9428. Effective dates; Judicial Commission.**

18 **SECTION 9429. Effective dates; Justice.**

19 **SECTION 9430. Effective dates; Legislature.**

20 **SECTION 9431. Effective dates; Lieutenant Governor.**

21 **SECTION 9432. Effective dates; Lower Wisconsin State Riverway Board.**

22 **SECTION 9433. Effective dates; Medical College of Wisconsin.**

23 **SECTION 9434. Effective dates; Military Affairs.**

24 **SECTION 9435. Effective dates; Natural Resources.**

25 **SECTION 9436. Effective dates; Public Defender Board.**

SENATE BILL 40**SECTION 9436**

1 (1) REPRESENTATION IN CIVIL COMMITMENT, PROTECTIVE PLACEMENT, AND
2 INVOLUNTARY MEDICATION CASES. The treatment of sections 20.550 (1) (f), 51.15 (9),
3 51.20 (3) and (18) (c), 51.35 (1) (e) 1. and 2. c., 51.45 (12) (b) (intro.), 1., 2., and 3. and
4 (c) 2., 51.45 (13) (b) 2., (d), and (j) and (16) (c), 51.60, 51.605, 55.10 (4) (a), 55.105,
5 55.107, 55.135 (1), 55.14 (7), 55.15 (7) (cm), 55.18 (3) (c) (intro.), 55.19 (3) (c) (intro.),
6 809.30 (2) (d), 814.69 (1) (a), 967.06 (1), (2) (a) and (b), and (3), 977.05 (4) (gm), (h),
7 and (i) 8., 977.06 (2) (a) and (am), 977.07 (1) (a) and (c), 977.075 (1g), (3), (3m), and
8 (4), 977.08 (1) and (2) (intro.) and (d), and 977.085 (3) of the statutes and SECTION
9 9336 (1) of this act take effect on July 1, 2008.

10 **SECTION 9437. Effective dates; Public Instruction.**

11 **SECTION 9438. Effective dates; Public Lands, Board of Commissioners**
12 **of.**

13 **SECTION 9439. Effective dates; Public Service Commission.**

14 **SECTION 9440. Effective dates; Regulation and Licensing.**

15 **SECTION 9441. Effective dates; Revenue.**

16 (1) HOME EXCHANGE SERVICE SALES.

17 (a) The creation of section 77.54 (54) of the statutes takes effect on the first day
18 of the 2nd month beginning after publication.

19 (b) The repeal and recreation of section 77.54 (54) of the statutes takes effect
20 on January 1, 2008.

21 (2) WITHHOLDING TAX ON NONRESIDENT MEMBERS OF PASS-THROUGH ENTITIES. The
22 treatment of sections 71.775 (3) (a) 2. and 3. and (4) (b) 2., (d), and (f), and 71.83 (1)
23 (a) 1. of the statutes takes effect retroactively on January 1, 2006.

24 (3) BIOTECHNOLOGY EXEMPTIONS.

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1 (a) The treatment of section 77.51 (1d) and (1e) of the statutes and the creation
2 of section 77.54 (53) of the statutes take effect on the first day of the 2nd month
3 beginning after publication.

4 (b) The repeal and recreation of section 77.54 (53) (b) (intro.) of the statutes
5 takes effect on January 1, 2008.

6 (4) IMPLEMENTING THE STREAMLINED SALES AND USE TAX AGREEMENT. The repeal
7 of sections 20.435 (3) (bm), 46.513, 77.51 (4), 77.51 (14) (d), 77.51 (14) (i), 77.51 (14)
8 (k), 77.51 (14) (L), 77.51 (14r), 77.51 (15), 77.52 (2) (a) 5. b., 77.52 (3m), 77.52 (3n),
9 77.52 (6), 77.52 (14) (a) 2., 77.523 (title), 77.53 (4), 77.54 (14g), 77.54 (14s), 77.54 (20),
10 77.54 (20m), 77.54 (22), 77.54 (40), 77.61 (3), 77.65 (2) (c), 77.72 (title), 77.72 (2) and
11 (3) and 77.77 (2) of the statutes, the renumbering of sections 77.51 (6m), 77.51 (14)
12 (g), 77.524 (1) (a) and 77.54 (48) (b) of the statutes, the renumbering and amendment
13 of sections 77.51 (1), 77.52 (1), 77.52 (2) (a) 5. a., 77.523, 77.524 (1) (b), 77.53 (9m),
14 77.53 (11), 77.54 (48) (a), 77.61 (2), 77.72 (1) and 77.77 (1) of the statutes, the
15 consolidation, renumbering and amendment of sections 77.52 (14) (a) (intro.) and 1.
16 and (b) of the statutes, the amendment of sections 66.0615 (1m) (f) 2., 70.111 (23),
17 71.07 (5e) (b), 71.07 (5e) (c) 1., 71.07 (5e) (c) 3., 71.28 (5e) (b), 71.28 (5e) (c) 1., 71.28
18 (5e) (c) 3., 71.47 (5e) (b), 71.47 (5e) (c) 1., 71.47 (5e) (c) 3., 73.03 (50) (d), 76.07 (4g) (b)
19 8., 77.51 (5), 77.51 (9) (a), 77.51 (9) (am), 77.51 (10), 77.51 (12) (a), 77.51 (12) (b), 77.51
20 (13) (a), 77.51 (13) (b), 77.51 (13) (c), 77.51 (13) (d), 77.51 (13) (e), 77.51 (13) (f), 77.51
21 (13) (k), 77.51 (13) (m), 77.51 (13) (n), 77.51 (13) (o), 77.51 (13g) (intro.), 77.51 (13r),
22 77.51 (14) (intro.), 77.51 (14) (a), 77.51 (14) (b), 77.51 (14) (c), 77.51 (14) (h), 77.51 (14)
23 (j), 77.51 (14g) (a), 77.51 (14g) (b), 77.51 (14g) (bm), 77.51 (14g) (c), 77.51 (14g) (cm),
24 77.51 (14g) (d), 77.51 (14g) (e), 77.51 (14g) (em), 77.51 (14g) (f), 77.51 (14g) (g), 77.51
25 (14g) (h), 77.51 (17), 77.51 (18), 77.51 (20), 77.51 (21), 77.51 (21m), 77.51 (22) (a),

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1 77.51 (22) (b), 77.52 (2) (intro.), 77.52 (2) (a) 5m., 77.52 (2) (a) 10., 77.52 (2m) (a), 77.52
2 (2m) (b), 77.52 (4), 77.52 (7), 77.52 (12), 77.52 (13), 77.52 (15), 77.52 (16), 77.52 (19),
3 77.525, 77.53 (1), 77.53 (2), 77.53 (3), 77.53 (9), 77.53 (10), 77.53 (12), 77.53 (14), 77.53
4 (15), 77.53 (16), 77.53 (17), 77.53 (17m), 77.53 (17r) (a), 77.53 (18), 77.54 (1), 77.54
5 (2), 77.54 (2m), 77.54 (3) (a), 77.54 (3m) (intro.), 77.54 (4), 77.54 (5) (intro.), 77.54 (6)
6 (intro.), 77.54 (7m), 77.54 (8), 77.54 (9), 77.54 (9a) (intro.), 77.54 (10), 77.54 (11), 77.54
7 (12), 77.54 (13), 77.54 (14) (intro.), 77.54 (14) (a), 77.54 (14) (b), 77.54 (14) (f) (intro.),
8 77.54 (15), 77.54 (16), 77.54 (17), 77.54 (18), 77.54 (21), 77.54 (23m), (by SECTION
9 2382) 77.54 (25), 77.54 (26), 77.54 (26m), 77.54 (27), 77.54 (28), 77.54 (29), 77.54 (30)
10 (a) (intro.), 77.54 (30) (c), 77.54 (31), 77.54 (32), 77.54 (33), 77.54 (35), 77.54 (36),
11 77.54 (37), 77.54 (38), 77.54 (39), 77.54 (41), 77.54 (42), 77.54 (43), 77.54 (44), 77.54
12 (45), 77.54 (46), 77.54 (46m), 77.54 (47) (intro.), 77.54 (47) (b) 1. and 2., 77.54 (49),
13 77.55 (1) (intro.), 77.55 (2), 77.55 (2m), 77.55 (3), 77.56 (1), 77.57, 77.58 (3) (a), 77.58
14 (3) (b), 77.58 (6), 77.59 (5m), 77.59 (9), 77.61 (1) (b), 77.61 (1) (c), 77.61 (4) (a), 77.61
15 (4) (c), 77.61 (11), (by SECTION 2452) 77.65 (2) (e), 77.65 (2) (f), 77.66, 77.70, 77.705,
16 77.706, 77.707 (1), 77.707 (2), 77.71 (1), 77.71 (2), 77.71 (3), 77.71 (4), 77.73 (2), 77.75,
17 77.785 (1), 77.785 (2), 77.98, 77.981, 77.982 (2), 77.99, 77.991 (2), 77.994 (1) (intro.),
18 77.9941 (4), 77.9951 (2), 77.996 (6), 77.9972 (2), 86.195 (3) (b) 3. and 218.0171 (2) (cq)
19 of the statutes, the repeal and recreation of sections 77.51 (7), 77.51 (17m), 77.63 and
20 77.995 (2) of the statutes, and the creation of sections 20.566 (1) (ho), 73.03 (28e),
21 73.03 (50b), 73.03 (61), 77.51 (1a), 77.51 (1b), 77.51 (1ba), 77.51 (1bd), 77.51 (1f),
22 77.51 (1fm), 77.51 (1n), 77.51 (1p), 77.51 (1r), 77.51 (2k), 77.51 (2m), 77.51 (3c), 77.51
23 (3n), 77.51 (3p), 77.51 (3pa), 77.51 (3pb), 77.51 (3pc), 77.51 (3pd), 77.51 (3pe), 77.51
24 (3pf), 77.51 (3pj), 77.51 (3pm), 77.51 (3pn), 77.51 (3po), 77.51 (3pq), 77.51 (3rm),
25 77.51 (3t), 77.51 (5d), 77.51 (5n), 77.51 (5r), 77.51 (7g), 77.51 (7k), 77.51 (7m), 77.51

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1 (8m), 77.51 (9p), 77.51 (9s), 77.51 (10d), 77.51 (10f), 77.51 (10m), 77.51 (10n), 77.51
2 (10r), 77.51 (10s), 77.51 (11d), 77.51 (11m), 77.51 (12m), 77.51 (12p), 77.51 (13g) (c),
3 77.51 (13rm), 77.51 (13rn), 77.51 (15a), 77.51 (15b), 77.51 (17w), 77.51 (17x), 77.51
4 (21n), 77.51 (21p), 77.51 (21q), 77.51 (22) (bm), 77.51 (24), 77.51 (25), 77.51 (26), 77.52
5 (1) (b), 77.52 (1) (c), 77.52 (1) (d), 77.52 (2) (a) 5. bm., 77.52 (2) (a) 5. c., 77.52 (2) (a)
6 13m., 77.52 (7b), 77.52 (14) (am), 77.52 (20), 77.52 (21), 77.52 (22), 77.52 (23), 77.522,
7 77.524 (1) (ag), 77.53 (9m) (b), 77.53 (9m) (c), 77.53 (11) (b), 77.54 (20n), 77.54 (20p),
8 77.54 (20r), 77.54 (22b), 77.54 (22c), 77.54 (50), 77.54 (51), 77.54 (52), 77.58 (6m),
9 77.58 (9a), 77.585, 77.59 (2m), 77.59 (9n), 77.59 (9p) (b), 77.59 (9r), 77.60 (13), 77.61
10 (2) (b), 77.61 (3m), 77.61 (5m), 77.61 (16), 77.65 (4) (fm), 77.67, 77.73 (3) and 77.77
11 (1) (b) of the statutes take effect on January 1, 2008.

12 (5) WITHHOLDING FROM LOTTERY PRIZE PAYMENTS. The treatment of section 565.30
13 (5) (by SECTION 3649) of the statutes takes effect on the first day of the 3rd month
14 beginning after publication.

15 (6) CIGARETTE AND TOBACCO PRODUCTS TAX RATES. The treatment of sections
16 139.31 (1) (a) and (b), 139.315 (1), 139.32 (5), 139.455, 139.76 (1), 139.78 (1), and
17 139.865 of the statutes takes effect on September 1, 2007, or on the first day of the
18 3rd month beginning after publication, whichever is later.

19 (7) REAL ESTATE TRANSFER FEE. The treatment of section 77.22 (1) of the statutes
20 and SECTION 9441 (7) of this act take effect on the first day of the 2nd month beginning
21 after publication.

22 (8) COUNTY AID. The treatment of sections 20.835 (1) (db), (dc), and (q), 79.01
23 (2d), and 79.035 (1) of the statutes takes effect on July 1, 2008.

24 (9) PROPERTY ASSESSMENT MANUAL COSTS. The treatment of section 20.566 (2) (hi)
25 of the statutes takes effect on July 1, 2008.

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1 (10) PREMIER RESORT AREA TAXES. The treatment of section 66.1113 (2) (a) and
2 (i) of the statutes takes effect on the first day of the calendar quarter beginning at
3 least 120 days after publication.

4 (11) CATALOG SALES AND USE TAX EXEMPTION. The treatment of sections 77.51 (1j),
5 77.52 (2) (a) 11., and 77.54 (25) and (25m) of the statutes takes effect on April 1, 2009.

6 **SECTION 9442. Effective dates; Secretary of State.**

7 **SECTION 9443. Effective dates; State Employment Relations, Office of.**

8 **SECTION 9444. Effective dates; State Fair Park Board.**

9 **SECTION 9445. Effective dates; Supreme Court.**

10 **SECTION 9446. Effective dates; Technical College System.**

11 **SECTION 9447. Effective dates; Tourism.**

12 **SECTION 9448. Effective dates; Transportation.**

13 (1) LICENSE AND IDENTIFICATION CARD ISSUANCE. The treatment of sections 343.01
14 (2) (d), 343.03 (3) (intro.), (3m), and (6) (a), 343.06 (1) (j) and (L), 343.10 (2) (a) (intro.)
15 and (7) (b) and (d), 343.14 (2) (a), (br), (es) 1. and 4., and (f), (2j) (a) (by SECTION 3250)
16 and (b) (by SECTION 3251), (2r), (3), and (4m), 343.16 (3) (a), 343.165, 343.17 (1), (2),
17 (3) (a) 1. and 5., and (5), 343.19 (1), 343.20 (1) (a) and (f), (1m) (by SECTION 3268), and
18 (2) (a), 343.22 (1), (2) (intro.) and (a), (2m) (by SECTION 3274), and (3) (by SECTION
19 3276), 343.23 (2) (a) (intro.) and (b) and (5), 343.26 (by SECTION 3291), 343.43 (1) (g),
20 343.50 (2), (3), (4), (6) (by SECTION 3383), and (10) (intro.), (a), and (c) of the statutes,
21 the renumbering and amendment of section 343.50 (1) (by SECTION 3375) and (5) (by
22 SECTION 3381) of the statutes, the consolidation, renumbering, and amendment of
23 section 343.14 (2) (er) 1. and 2. of the statutes, the amendment of section 343.50 (8)
24 of the statutes, and the creation of section 343.50 (1) (b) and (c) and (8) (c) of the
25 statutes take effect on May 11, 2008.

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1 (2) DMV BACKGROUND INVESTIGATIONS.

2 (a) The treatment of section 110.09 (2) of the statutes and SECTION 9348 (1) (b)
3 of this act take effect on the first day of the 4th month beginning after publication.

4 (b) The treatment of section 110.09 (1) of the statutes and SECTION 9348 (1) (a)
5 of this act take effect on January 1, 2008.

6 (3) DRIVER LICENSE AGREEMENT.

7 (a) The treatment of sections 23.33 (13) (e), 118.163 (2) (a) and (2m) (a), 125.07
8 (4) (cm), 125.085 (3) (bp), 342.12 (4) (a) and (b), 343.01 (2) (bc) and (bm), 343.02 (3)
9 (a) and (c), 343.027, 343.03 (5) (a), 343.05 (1) (a) and (5) (b) 1., 343.06 (1) (bm) and (2),
10 343.085 (4), 343.10 (2) (a) 3., 343.14 (2j) (by SECTION 3248), 343.16 (5) (a), 343.20 (1)
11 (e) 1., 343.23 (2) (a) (intro.) (by SECTION 3278) and (b) (by SECTION 3280), (2m), (3m),
12 and (4) (b), 343.235 (3) (a), 343.237 (2) and (3) (intro.), 343.24 (3) and (4) (c) 1., 343.28
13 (2), 343.30 (1g) (b), (1q) (b) 4., (4), and (5), 343.301 (1) (e) and (2) (d), 343.305 (7) (a)
14 and (b), (9) (a) (intro.) and (am) (intro.), (10) (b) 3. and 4., and (11), 343.31 (1) (intro.)
15 and (hm), (2), (2m), (2r), (2z), and (3) (a), (b), (bg), (bm) (intro.), (c), (d) (intro.), (e), (f),
16 (i), and (j), 343.315 (2) (f) 7., (fm), (h), and (j) (intro.) and (3) (a), (b) (by SECTION 3338),
17 (bm), and (d), 343.32 (1), (1m) (a) and (b) (intro.), (1s), (1v), and (2) (a), 343.325 (4),
18 343.34 (1) and (2), 343.345 (by SECTION 3352), 343.36 (title), 343.38 (1) (c) 2. c., (2) (by
19 SECTION 3359), and (4) (intro.), (a), and (b), 343.39 (1) (a) (by SECTION 3364) and (2),
20 343.44 (1) (a), (b), and (c), (2) (am), (2r), (2s), and (4r), 343.50 (8) (b) (by SECTION 3386),
21 344.02 (3), 344.08 (1m), 344.13 (2), 344.14 (1r), 344.18 (1m) (a) and (3m) (a), 344.19
22 (1) and (3) (by SECTION 3408), 344.24, 344.25 (7), 344.26 (1), 344.27 (2) and (3), 344.29,
23 344.30 (1), 344.32, 344.33 (1), 344.34, 344.42, 345.23 (2) (c), 345.28 (5) (b) 1. and 2.
24 a., 345.47 (1) (c) (by SECTION 3426), 345.48 (2), (3), and (4), 346.65 (2c), (2e), and (6)
25 (a) 3. and (km), 350.11 (3) (d), 351.02 (1) (intro.) and (1m), 351.027 (2), 351.03, 351.04,

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1 351.05, 351.06, 631.37 (4) (e), 800.09 (1) (c), 938.17 (2) (d) 2., 938.34 (8), (8d) (d),
2 (14m), and (14r) (a), 938.342 (1g) (a), 938.343 (2), 938.344 (2e) (b), 938.355 (6) (d) 2.
3 and (6m) (a) 1m., 938.396 (4), and 961.50 (1) (intro.) and (2) of the statutes, the repeal
4 of Sections 343.30 (1q) (c) 1. b. and 343.305 (10) (c) 1. b. of the statutes, the
5 renumbering and amendment of sections 343.30 (2j) (a), 343.36 (3), 344.19 (2), and
6 351.025 (1) of the statutes, the consolidation, renumbering, and amendment of
7 sections 343.30 (1q) (c) 1. (intro.), a. and c. and 343.305 (10) (c) 1. (intro.), a. and c.
8 of the statutes, the creation of sections 343.36 (3) (b), (c), and (d), 344.19 (2) (a), and
9 351.025 (1) (b) of the statutes, and SECTION 9348 (1) of this act take effect on July 1,
10 2009.

11 (b) The treatment of section 343.02 (3) (b) of the statutes and SECTION 9148 (1)
12 of this act take effect on January 1, 2009.

13 (4) LEMON LAW TAX REFUNDS. The treatment of section 218.0171 (2) (e) and (f)
14 (intro.) and 3. of the statutes and SECTION 9348 (4) of this act take effect on the first
15 day of the 2nd month beginning after publication.

16 (5) FEDERAL SECURITY VERIFICATION MANDATE FEE. The treatment of sections
17 343.10 (6), 343.135 (1) (a) 3. and (7), 343.14 (1), 343.21 (1) (n), 343.22 (2m) and (3),
18 343.26, 343.265 (2), 343.305 (8) (b) 5. (intro.) and (c) 5., 343.315 (3) (b), 343.38 (1) (a)
19 and (2), 343.39 (1) (a), 343.50 (1), (5), (5m), and (6) (by SECTION 3384), 344.18 (1)
20 (intro.) and (3) (intro.), 344.19 (3), and 345.47 (1) (c) of the statutes and SECTION 9348
21 (5) of this act take effect on January 1, 2008.

22 (6) REGISTRATION FEES. The treatment of section 341.25 (1) (a) and (2) (a), (b),
23 and (c) of the statutes takes effect on October 1, 2007, or on the day after publication,
24 whichever is later.

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1 (7) EMISSION INSPECTIONS. The treatment of sections 110.20 (7), (8) (title), (9k),
2 (10m), and (11), 110.21, and 285.30 (5) (a), (b), and (d) of the statutes, the
3 renumbering and amendment of section 110.20 (8) of the statutes, and the creation
4 of section 110.20 (8) (am) 1m. and (bm) of the statute take effect on July 1, 2008.

5 (8) SUPPLEMENTAL TITLE FEE INCREASE. The treatment of section 342.14 (3m) of
6 the statutes takes effect on October 1, 2007, or on the day after publication,
7 whichever is later.

8 **SECTION 9449. Effective dates; Treasurer.**

9 **SECTION 9450. Effective dates; University of Wisconsin Hospitals and**
10 **Clinics Authority.**

11 **SECTION 9451. Effective dates; University of Wisconsin Hospitals and**
12 **Clinics Board.**

13 **SECTION 9452. Effective dates; University of Wisconsin System.**

14 **SECTION 9453. Effective dates; Veterans Affairs.**

15 **SECTION 9454. Effective dates; Workforce Development.**

16 (1) WISCONSIN WORKS GRANTS FOR PREGNANT WOMEN AND CUSTODIAL PARENTS. The
17 treatment of sections 49.148 (1m) (title), (b), and (c) (intro.) and 2. and 49.159 (4) of
18 the statutes, the renumbering and amendment of section 49.148 (1m) (a) of the
19 statutes, and the creation of section 49.148 (1m) (a) (intro.) and 2. of the statutes and
20 SECTION 9354 (1) of this act take effect on January 1, 2008.

21 (2) FEE PAID BY CHILD SUPPORT PAYEE. The treatment of sections 20.445 (3) (ja)
22 (by SECTION 455) and 767.57 (1e) (title), (a) (by SECTION 3734), and (c) of the statutes
23 takes effect on January 1, 2008.

24 **SECTION 9455. Effective dates; other.**

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1 (1) TRANSFER OF ATTORNEY POSITIONS. The treatment of sections 15.04 (4), 15.103
2 (1g), 16.004 (15), 20.505 (1) (kr), 73.01 (4) (b) and (4m) (b) and (c), 85.013 (2) (a),
3 230.08 (2) (e) 1. and (eg), and 343.33 (2) of the statutes and SECTION 9155 (1) of this
4 act take effect on July 1, 2008.

5 (2) CREATION OF DEPARTMENT OF CHILDREN AND FAMILIES. The repeal of sections
6 13.83 (4) (a) 9., 20.435 (3) (fp), 20.435 (3) (m), 20.435 (3) (ma), 20.435 (3) (mb), 20.435
7 (3) (mc), 20.435 (3) (md), 20.435 (3) (n), 20.435 (3) (na), 20.435 (3) (nL), 46.03 (7) (c),
8 46.03 (7) (e), 46.03 (29), 46.16 (2), 46.16 (2m), 46.16 (2s), 46.515 (1) (a), 46.515 (1) (c),
9 46.766, 48.985 (5), 103.005 (17) and 103.005 (18) of the statutes, and the
10 renumbering of sections 15.195 (4) (a), 15.195 (4) (b), 15.195 (4) (c), 15.195 (4) (d),
11 15.195 (4) (dg), 15.195 (4) (e), 15.195 (4) (em), 15.195 (4) (f), 15.195 (4) (fm), 15.195
12 (4) (g), 15.197 (24) (a) 1., 15.197 (24) (a) 2., 15.197 (24) (a) 3., 15.197 (24) (a) 4., 15.197
13 (24) (a) 5., 15.197 (24) (a) 6., 15.197 (24) (a) 7., 15.197 (24) (b), 15.197 (24) (c), 20.435
14 (3) (title), 20.435 (3) (cf), 20.435 (3) (cw), 20.435 (3) (cx), 20.435 (3) (da), 20.435 (3) (dd),
15 20.435 (3) (dg), 20.435 (3) (gx), 20.435 (3) (i), 20.435 (3) (jb), 20.435 (3) (jj), 20.435 (3)
16 (jm), 20.435 (3) (kw), 20.435 (3) (kx), 20.435 (3) (mw), 20.435 (3) (mx), 20.435 (3) (pm),
17 20.445 (3) (title), 20.445 (3) (a), 20.445 (3) (b), 20.445 (3) (cm), 20.445 (3) (cr), 20.445
18 (3) (dz), 20.445 (3) (i), 20.445 (3) (ja), 20.445 (3) (jb), 20.445 (3) (jL), 20.445 (3) (k),
19 20.455 (3) (kb), 20.445 (3) (kp), 20.445 (3) (kx), 20.445 (3) (L), 20.445 (3) (ma), 20.445
20 (3) (me), 20.445 (3) (n), 20.445 (3) (na), 20.445 (3) (nL), 20.445 (3) (pz), 20.445 (3) (q),
21 20.445 (3) (qm), 20.445 (3) (s), 46.023, 46.03 (7) (cm), 46.03 (7) (d), 46.03 (7) (f), 46.03
22 (7) (h), 46.03 (39), 46.22 (1) (b) 1. f., 46.261 (title), 46.261 (1), 46.261 (2) (title), 46.261
23 (2) (a) (intro.), 46.261 (2) (b), 46.261 (3), 46.30 (title), 46.30 (1), 46.30 (2), 46.30 (3)
24 (title), 46.30 (3) (a) (intro.), 46.30 (3) (a) 1., 46.30 (3) (a) 2., 46.30 (3) (a) 3., 46.30 (3)
25 (a) 4., 46.30 (3) (a) 5., 46.30 (3) (a) 6., 46.30 (3) (a) 7., 46.30 (3) (b), 46.30 (4) (title), 46.30

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1 (4) (b), 46.30 (4) (c), 46.30 (4) (d), 46.30 (5), 46.45 (2) (b), 46.481 (1) (title), 46.481 (1)
2 (b), 46.481 (3), 46.51 (title), 46.51 (3), 46.51 (4), 46.51 (5), 46.515 (title), 46.515 (1)
3 (intro.), 46.515 (1) (b) (intro.), 46.515 (1) (b) 1. (intro.), 46.515 (1) (b) 1. a., 46.515 (1)
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1 (4) (a), 938.357 (4) (b) 2., 938.357 (4) (c) 1., 938.357 (4) (c) 2., 938.357 (5m) (a), 938.36
2 (1) (b), 938.363 (1) (c), 938.396 (2g) (b), 938.538 (6), 938.547 (2), 938.548, 938.57 (3)
3 (a) (intro.), 938.57 (3) (a) 3., 938.57 (3) (b), 938.78 (2) (h), 948.22 (4) (b), 948.31 (1) (a)
4 2., 973.05 (2m) (r), 973.055 (3), 977.06 (4) (bm), 978.05 (4m) and 995.67 (1) (a) of the
5 statutes, the repeal and recreation of section 20.435 (1) (gm) of the statutes, and the
6 creation of sections 13.83 (3) (f) 2m., 15.20, 15.205 (title), 15.207 (title), 20.437
7 (intro.), 20.437 (1) (b), 20.437 (1) (gg), 20.437 (1) (m), 20.437 (1) (ma), 20.437 (1) (mb),
8 20.437 (1) (mc), 20.437 (1) (md), 20.437 (1) (n), 20.437 (1) (na), 20.437 (1) (nL), 20.437
9 (1) (o), 20.437 (2), 20.437 (3), 20.923 (4) (f) 2d., 46.10 (14) (g), 48.01 (1) (h), 48.02 (16),
10 48.47 (intro.), 48.47 (3), 48.47 (4), 48.47 (7) (title), 48.48 (2b), 48.48 (4), 48.48 (17)
11 (am), 48.48 (18), 48.563, 48.565, 48.567, 48.568, 48.569, 48.576, 48.578, 48.743,
12 49.27, 49.273, 49.32 (1) (am), 49.32 (2) (d), 49.32 (11m), 49.34 (5m) (em), 49.345,
13 49.852 (1c), 49.855 (2r), 49.857 (1) (cf), 49.858 (1) (a), 49.86 (1), 230.08 (2) (e) 2m. and
14 301.46 (4) (a) 10m. and SECTIONS 9121 (5) (a), (c), (d), (e), (f), (6), and 9154 (1) (a), (c),
15 (d), (e), (f), and (g) and 9155 (1m) of this act take effect on July 1, 2008.

16 (3) HOME VISITATION SERVICES. The amendment of sections 20.437 (2) (ab),
17 48.983 (2), and 253.15 (2) (by SECTION 3060), (6) (by SECTION 3062), and (7) (e) (by
18 SECTION 3064) of the statutes, the repeal of section 48.983 (1) (i) and (j) and (3) (title)
19 and (a) of the statutes, the renumbering and amendment of section 48.983 (3) (b) of
20 the statutes, and the creation of section 48.984 of the statutes take effect on January
21 1, 2009.

22

(END)